



**USAID**  
FROM THE AMERICAN PEOPLE

**GUATEMALA**

# TRANSPARENCY AND INTEGRITY PROJECT

## QUARTERLY REPORT (OCTOBER 1 – DECEMBER 31, 2010)

JANUARY 2011

This publication was produced for review by the United States Agency for International Development.

It was prepared by Tetra Tech ARD.

Tetrattech ARD, Inc.

Prepared for the United States Agency for International Development, USAID Contract Number DFD-I-00-08-00067-00, Task Order 02, Guatemala Transparency Program, under the Encouraging Global Anticorruption and Good Governance Effort (ENGAGE) Indefinite Quantity Contract (IQC).

Tetra Tech ARD Principal Contacts:

Alexandra Forrester  
Project Manager

**Tetra Tech ARD**

Burlington, Vermont

Tel.: 802-658-3890

aforrester@ardinc.com

Antonio Iskandar

Senior Technical Advisor/Manager

**Tetra Tech ARD**

aiskandar@ardinc.com

# TRANSPARENCY AND INTEGRITY PROJECT

QUARTERLY REPORT  
(OCTOBER - DECEMBER 2010)

JANUARY 2010

## **DISCLAIMER**

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

# CONTENTS

CONTENTS .....	I
ACRONYMS .....	III
EXECUTIVE SUMMARY .....	IV
RESUMEN EJECUTIVO .....	IX
1.0 NARRATIVE REPORTING .....	1
1.1 CONTRACTUAL REPORTS AND DELIVERABLES .....	1
1.2 ACTIVITY REPORTING .....	1
1.2.1 Sub-IR 2.1: Citizens Better informed and capable to oversee and fight against corruption .....	1
1.2.2 Sub-IR 2.2: Key Executive Branch's Institutions strengthened and with increased capacity to oversee and implement anti-Corruption measures .....	20
1.2.3 Sub-IR 2.3: A more active role of key oversight entities promoted ...	24
1.2.4 Sub IR 2.4: A more transparent political party financing system established and working .....	31
1.3 SPECIAL ACTIVITIES: .....	31
2.0 SUB-GRANT PROGRAM .....	34
3.0 RAPID RESPONSE FUND .....	35
4.0 GENDER SECTION .....	37
5.0 TRAINING .....	38
6.0 SHORT-TERM TECHNICAL ASSISTANCE .....	41
7.0 MONITORING AND EVALUATION EFFORTS .....	42
8.0 SPECIAL REPORTING .....	47
ANNEXES .....	50
ANNEX A. QUARTERLY FINANCIAL REPORT FOR QUARTER ENDED 12/31/2010 .....	51
ANNEX B. MAGAZINE BY ACCION CIUDADANA "INFORMA ACCIÓN", SECOND AND THIRD EDITIONS .....	52
ANNEX C. FONAPAZ INSTITUTIONAL STRENGTHENING PLAN .....	54
ANNEX D. FONAPAZ FINAL EVALUATION .....	55
ANNEX E. ACCESS TO INFORMATION INDEX FOR THE EXECUTIVE BRANCH 2010 .....	56
ANNEX F. PRESENTATION: "ACCOUNTABILITY AND DOCUMENT MANAGEMENT" BY CARLOS ALBERTO ZAPATA .....	57
ANNEX G. PRESENTATION: "PROPOSAL TO CREATE TRANSPARENCY ENTITY" BY DR. SILVIO GRAMAJO AND LIC. MARIA ALEJANDRA LÓPEZ .....	58
ANNEX H. PRESENTATION: "THE LAW 20.285 AND THE COUNCIL FOR THE TRANSPARENCY OF CHILE" BY DR. NOMBRE URRUTIA .....	59
ANNEX I. PRESENTATION: "TRANSPARENCY AND ACCOUNTABILITY: THE TWO FACES OF PUBLIC MANAGEMENT" BY MS NOMBRE AZUARA .....	60
ANNEX J. PRESENTATION "TRANSPARENCY AND ACCOUNTABILITY: THE TWO FACES OF PUBLIC MANAGEMENT" PRESENTED BY THE	

COMMISSION OF TRANSPARENCY AND AGAINST CORRUPTION OF THE VICE PRESIDENCY .....	61
ANNEX K.BILL NO. 4307 LAW OF NATIONAL ARCHIVES .....	62
ANNEX L. ASSESMENT OF THE VICE PRESIDENCY’S ARCHIVE SITUATION..	63
ANNEX M. FINAL REPORT OF THE IMPLEMENTATION OF THE GUATEMALA DECLARATION FOR A CORRUPTION-FREE REGION.....	64
ANNEX N. TRAINING PLAN FOR THE DISTRICT ATTORNEY'S OFFICE OF ADMINISTRATIVE CRIMES.....	65
ANNEX O: APPROVAL LETTER FOR TRAINING PLAN FOR THE DISTRICT ATTORNEY'S OFFICE OF ADMINISTRATIVE CRIMES .....	66
ANNEX P: AIDE DE MEMOIR, TRANSPARENCY DONORS TABLE MEETING (OCTOBER 21. 2010).....	67

# ACRONYMS

AC	<i>Acción Ciudadana</i> (Guatemalan chapter of Transparency International)
ACU	Anticorruption Unit
ADP	<i>Amigos para la Paz y el Desarrollo</i>
AFU	Administrative Felonies Unit
AGIP	<i>Asociación Guatemalteca de Investigadores del Presupuesto</i>
AGO	Attorney General's Office
ASIES	<i>Asociación de Investigación y de Estudios Sociales</i>
CEG	<i>Centro de Estudios de Guatemala</i>
CGO	Controller General's Office
CICIG	UN International Commission against Impunity and Corruption in Guatemala
CIEN	<i>Centro de Investigaciones Económicas Nacionales</i>
COCODES	Community Councils for Development
COTR	Contracting Officer's Technical Representative
CSO	Civil Society Organization
DCE	Diane Cromer Enterprises
DGO	Democracy and Governance Office
FUNDES	<i>Fundación Latinoamericana para el Desarrollo</i>
FUNDESA	<i>Fundación para el Desarrollo</i>
FOIL	Freedom of Information Law
GAM	<i>Grupo de Apoyo Mutuo</i>
GoG	Government of Guatemala
IACC	Inter-American Convention Against Corruption
IDPP	Institute of Public Defense
IFES	International Foundation for Electoral Systems
IR	Intermediate Result
IREX	International Research and Exchanges Board
LLR	Lower-Level Result
LOU	Letter of Understanding
MATADOR	Media Assistance Utilizing Technological Advancements and Direct Online Response
MCC	Millennium Challenge Corporation
MESICIC	Committee of Experts of the Follow-up Mechanism
MPJ	Pro Justice Movement
MSME	Micro, Small, and Medium Enterprise
PTI	<i>Proyecto de Transparencia e Integridad</i> (Transparency and Integrity Project)
RRF	Rapid Response Fund
SUB-IR	Sub Intermediate Result
UNCAC	United Nations Convention Against Corruption
USAID	United States Agency for International Development

# EXECUTIVE SUMMARY

The Guatemala Transparency and Integrity Project (PTI), funded by USAID/Guatemala, is a two-year effort awarded to ARD, Inc. with a budget of \$ 4,088,679.00 through July 2011 (Contract No. DFD-I-00-08-00067-00, Task Order No. 02). This Quarterly Performance Report covers the period of October through December 2010 and summarizes activities undertaken during this period.

As Year Two of implementation began in October 2010, the Guatemala Transparency and Integrity Project redoubled efforts to build on Year One progress, sustain the activities underway and identify new windows of opportunity for a strategic response.

The Project feels it is particularly important to point out the political situation that provided context for PTI accomplishments during the period. The year drew to a close amid descriptions as the most violent year with the greatest degree of impunity in Guatemala's history and heralding 2011 as a year to be reckoned with in terms of security issues as well as economic stability.

Among 178 countries scored by the Corruption Perception Index in 2010, Guatemala's ranking dropped from 84th in 2009 to 91st in 2010. The Index was published in October by Transparency International.

After months-long delay and under careful public scrutiny, candidates were selected and appointed to head the Public Ministry (MP in Spanish), the Public Defense Institute (Instituto de la Defensoria Publica Penal - IDPP) and the National Office of the Comptroller General (Contraloria General de Cuentas de la Nacion - CGN).

Claudia Paz y Paz took office as Attorney General and head of the Public Ministry for the next four years and will direct criminal investigation and prosecution. Nora Segura is the new Comptroller General for the next five years and will oversee the execution of Guatemala's 2011 national budget of US\$ 6,799 million. Blanca Stalling was re-elected and confirmed in office as head of the Public Defense Institute.

On December 7, Congress passed the Law on Asset Confiscation and Seizure (*Ley de Extincion de Dominio*) enabling the State to seize assets stemming from organized crime. A key component, however, in the fight against corruption—sanctioning the crime of illicit enrichment for public officials—was not included under the recently approved Law. Illicit enrichment is defined as a significant increase, without plausible explanation, in the assets of a public official compared to his reported income.

The election of justices to the Constitutional Court (CC) will take place during the first quarter of 2011. Five chief justices and five substitute magistrates will be elected and sworn into office on April 14 for a five- year term. The following is a list of each one of the institutions or bodies that is entitled to elect a chief justice and a substitute to the Court: the Supreme Court of Justice (Corte Suprema de Justicia -CSJ), the President and Council of Ministers (Cabinet), the National Congress, the Superior University Council from San Carlos University (USAC) and the General Assembly of the Guatemala Bar Association (Colegio de Abogados y Notarios). Decisions handed down by the new Constitutional Court are already being anticipated by pundits analyzing how the new Court will rule in allowing the candidacy of several individuals considering a bid for

presidential office, including Sandra Torres, wife of President Colom, former President Alvaro Arzu and Zury Rios, the daughter of former head of state, Efraín Ríos Montt.

The next six months will be marked by the beginning of the national election period. The Supreme Electoral Tribunal will officially call for elections at the beginning of May and political parties will be allowed to campaign. Candidates must have registered no later than July 12 and general elections are scheduled for the first half of September with a second round, if necessary, to take place in November.

Highlights from the Project's activities over the last reporting period include the following:

#### **SUB-IR 2.1 CITIZENS BETTER INFORMED AND CAPABLE TO OVERSEE AND FIGHT AGAINST CORRUPTION**

**LLR 2.1.1** This quarter, PTI issued a total of eight sub-grants to Guatemalan civil society organizations for a total of US\$537,607.76. The grants are primarily designed to empower Guatemalan citizens as agents of positive change in their communities and to increase citizen awareness regarding the efforts that need to be made in the fight against corruption and to increase transparency. All of the grantees are also USAID strategic partners and include: Accion Ciudadana (AC), Fundacion DESC, the ProJustice Movement (Movimiento Pro Justicia -MPJ), the Center for Guatemala Studies (Centro de Estudios de Guatemala -CEG) and Vital Voices (VV).

Project activities this quarter have led to a number of significant results worth special mention, as follows:

- Accion Ciudadana trained 128 individuals in areas specific to public access to information which led to a total of 70 information requests being filed at government institutions. The information obtained through these requests has been key to the success of several processes of social auditing.
- On December 21, 2010 Accion Ciudadana provided a public presentation of its Executive Branch Access to Public Information Index for 2010. The Executive Branch scored 0.6 on a scale of 0 - 1.
- Accion Ciudadana coordinated among several civil society organizations to develop and present the third Independent Report on Implementation of the Inter-American Convention against Corruption (ICAC). The CSOs that worked jointly to prepare the report include: the National Integrity Network (Red Nacional de Integridad -RNI); Guatemala Association of Budget Investigation (Asociacion Guatemalteca de Investigadores del Presupuesto -AGIP); the Myrna Mack Foundation (FMM); the Mutual Support Group (Grupo de Apoyo Mutuo -GAM); the Department of Sociopolitical Forecasting of Rafael Landívar University and Accion Ciudadana as coordinator.
- The ProJustice Movement (MPJ) managed to spearhead an extraordinary and robust effort among its member organizations (i.e., Madres Angustiadas, FADS –Friends and Family against Crime and Kidnapping, Myrna Mack Foundation) to monitor the second effort to select candidates for the position of Attorney General and head of the Public Ministry. The process began on August 4, 2010 and concluded several months later on December 3 with the appointment of Dr. Claudia Paz y Paz. The ProJustice Movement played a critical role in improving the performance of the Nomination Committee



specifically in regard to developing technical and objective criteria and processes for evaluation of the candidates.

- MPJ was instrumental in ensuring transparency throughout the process to nominate and elect the candidate for Comptroller General. The process began on September 9, 2010 and concluded on December 6 when the National Congress appointed Nora Segura Monzon as the first woman to direct the Office of the Comptroller General.
- MPJ was also involved in raising awareness and fostering citizen participation in the processes leading up to the appointments of both the Comptroller General and the Attorney General, as described above.
- The Center for Guatemala Studies (CEG) initially developed a grant program with cross-cutting themes in advocating for legislation, as follows:
  1. **Legislation to define the crime of illicit enrichment;**
  2. **Legislation to regulate non-government organizations (NGOs);**
  3. **Legislation on trust funds, and**
  4. **Legislation on the National Archives.**
- The Guatemala chapter of Vital Voices has developed several tools for its political leadership training and mentoring programs and began recruitment efforts of 20 young Guatemalan women to benefit from the program.

**LLR 2.1.2** PTI has continued to promote dialogue and contacts with both the traditional private sector organizations as well as the emerging private sector to identify activities for joint coordination. Year Two of Project implementation will include support to FUNDESA in developing specific and timely recommendations to improve Guatemala's score and ranking on the financial and economic indices produced by the eStandards Forum. In a separate activity, FUNDES will facilitate coordination with the emerging private sector of micro, small and medium enterprises (MSMEs) in Guatemala to enable PTI to accurately diagnose and assess the degree to which this sector is affected by corruption. The results from the diagnostic assessment will be the basis for designing future activities, particularly with the emerging private sector, to counteract the effects of corruption on MSMEs.

**LLR 2.1.3** In November and December 2010 the Project began to plan, design and implement a program for professional development and roundtable discussions for journalists and columnists. The program will focus on transparency and integrity issues as one of the components of the PTI strategies to empower media outlets to analyze current events in view of efforts to fight corruption and promote transparency in the country.

In December the Project assisted in organizing the first of its events designed for journalists and columnists which included a keynote presentation on "Groups in Power, Transparency and Political Party Financing." The keynote speaker was Senator Rafael Micheline from Uruguay who described recent legislation on transparency and political party financing that strengthened the party system and promoted transparency in the use of campaign funds. The conference very effectively launched the journalists and columnists professional development and roundtable program.

A subcontract was signed in December between IREX and ARD to implement activities to strengthen investigative departments in certain Guatemala communication media outlets. The contract will also produce a studies program for a post-graduate degree in investigative journalism at the Rafael Landivar University School of Humanities.

#### **SUB-IR 2.2 KEY EXECUTIVE BRANCH'S INSTITUTIONS STRENGTHENED AND WITH INCREASED CAPACITY TO OVERSEE AND IMPLEMENT ANTI-CORRUPTION MEASURES**

PTI provided support to organize a seminar entitled “Transparency and Accountability: Two Sides of Public Administration” on December 8-9. In implementing the United Nations Convention Against Corruption, the National Anti-Corruption and Transparency Commission provided the opportunity to exchange academic viewpoints and experiences of national and international experts on the subject of designing and implementing policies to foster transparency.

**LLR 2.2.1** A total of twenty Access-to-Information Units have signed up for the technical assistance program designed to strengthen them. On November 30, PTI presented the institutional strengthening plan and scheduled site visits that will enable the Project to assess gaps and prioritize needs.

**LLR 2.2.2** As part of the seminar described above entitled “Transparency and Accountability: Two Sides of Public Administration”, the National Anti-Corruption and Transparency Commission presented a strategy to representatives from the Executive and Legislative branches on designing policies for transparency including specific action items to promote transparency and anti-corruption efforts in the current Guatemalan context. The strategy was developed with PTI assistance.

**LLR 2.2.3** The final report on compliance with the Declaration of Guatemala on a Region Free of Corruption was presented during the reporting period.

#### **SUB-IR 2.3 A MORE ACTIVE ROLE OF KEY OVERSIGHT ENTITIES PROMOTED**

**LLR 2.3.1** A bill on the National Archives Law was submitted with PTI support by Congresswoman Rosa Maria de Frade as legislative proposal No. 4307.

In addition, the grants program includes a project with the Center for Guatemala Studies (CEG) to work on a number of legislative initiatives, as described below. Each one is being developed through the pertinent member of congress who is working to strengthen regulatory frameworks on transparency and anti-corruption.

**1. Legislation to define the crime of illicit enrichment:** in order to comply with regulations stemming from Guatemala’s ratification of the United Nations Convention Against Corruption as well as from the Inter-American Convention Against Corruption, the crimes included in the regulations must be added to national legislation, including illicit enrichment, among others.

**2. Legislation to regulate non-government organizations (NGOs):** this proposal intends to regulate practices where state organizations reallocate funds to non-governmental organizations in an attempt to avoid procurement and contracting regulations. This legislation is key to ensuring transparency in the use of public funds.

**3. Legislation on trust funds:** In a practice that dates back to the 1990s, a number of government agencies have used a strategy to create trust funds, which are regulated by banking legislation, to avoid compliance with procurement and contracting regulations normally applicable when implementing their budget. Again, this legislation is key to ensuring transparency in the use of public funds.

**4. Legislation on the National Archives:** the Law on Access to Public Information includes provisions for a system of national archives which are currently regulated under Congressional Decree No. 1768. Those regulations are outdated and incompatible with the new access to information law; and, essentially, require new proposals to develop more appropriate regulations.

**LLR 2.3.2** PTI continued this quarter providing technical assistance and training for institutional strengthening at two Public Ministry Prosecutor Units: Administrative Crimes and Anti-Corruption.

A training plan was designed, reviewed and submitted to the Prosecutor Unit for Administrative Crime and was approved. The Public Ministry, in turn, requested Project assistance to implement the plan. In a parallel effort based on the previously-approved training plan designed for the Anti-Corruption Unit, PTI supported the training for the Banking Procedures and Money Laundering module.

**LLR 2.3.3** The National Congress elected Nora Segura on December 6 as the new Comptroller General.

In a joint effort with the World Bank, PTI will be working from January to June 2011 on monitoring implementation and updating the diagnostic assessment developed by USAID on the Office of the Comptroller General. The initiative is coordinated with the World Bank as part of their and USAID's interests in ensuring implementation of the results from the diagnostic assessment. The tool will become the basis for a program strategy to be developed with the new administration taking office. Initially, the joint effort plans to build on previous work in strengthening (forensic) auditing while fostering closer ties with the Public Ministry to improve the quality of administrative investigations under the Comptroller's leadership that are then referred to the Public Ministry for prosecution.

#### **SUB-IR 2.4 A MORE TRANSPARENT POLITICAL PARTY FINANCING SYSTEM ESTABLISHED AND WORKING**

Since this component is designed to transition to a specific technical assistance activity, PTI has begun working with the TSE auditors to design an operational handbook for the use of the mail delivery system (*Correo Propio*) used to relay results from voting centers and which will include a report on candidates elected to public office.

The narrative sections on the Sub-IRs, LLRs and Special Activities in the following report provide greater detail on these and other activities carried out during the previous quarter.

# RESUMEN EJECUTIVO

El Proyecto de Transparencia e Integridad (PTI) de USAID Guatemala, ejecutado por ARD, Inc. según Contrato No.DFD-I-00-08-00067-00, Orden de Trabajo No. DFD-I-02-08-00067-00. Es un esfuerzo de dos años, con un presupuesto asignado de \$4,088,679.00, vigente hasta el mes de Julio del 2011. Este Informe Trimestral cubre el período de Octubre a Diciembre del 2010 y resume las actividades realizadas durante este período.

Durante su segundo año de implementación, el cual inició en el mes de Octubre 2010, el Proyecto de Transparencia e Integridad en Guatemala pretende dar continuidad a los esfuerzos emprendidos durante su primer año de ejecución a fin de asegurar la sostenibilidad de las acciones iniciadas, promover nuevas oportunidades de intervención y responder a coyunturas estratégicas.

A continuación presentamos datos respecto a la coyuntura política que atraviesa el país a fin de contextualizar el ámbito dentro del cual se enmarca la ejecución del Proyecto de Transparencia e Integridad.

El año 2010 queda atrás, calificado como el más violento y de mayor impunidad en la historia de Guatemala, y se inicia el año 2011, que apunta ser difícil, sobre todo en materia económica y de seguridad.

Guatemala cayó este año al puesto 91 desde el 84 de 2009, dentro de una lista de 178 países, según el Índice de Percepción de Corrupción 2010, dado a conocer mundialmente en octubre por la organización no gubernamental Transparencia Internacional.

Con varios meses de atraso, finalmente bajo fuerte escrutinio público, en el mes de diciembre, fueron nombradas las personas que dirigirán el Ministerio Público (MP) y el Instituto de la Defensoría Pública Penal (IDPP), y la Contraloría General de Cuentas de la Nación (CGN).

Claudia Paz y Paz fue designada como fiscal general y jefe del Ministerio Público por cuatro años y será la encargada del órgano de persecución e investigación criminal, mientras que Nora Segura es la nueva contralora general de cuentas que por cinco años deberá fiscalizar la ejecución presupuestaria, comenzando por el de 2011, de 6.799 millones de dólares. Blanca Stalling fue reelecta y confirmada para dirigir el Instituto de la Defensa Publica Penal.

El 7 de diciembre, el Congreso aprobó la Ley de Extinción de Dominio, que permitirá al Estado decomisar bienes al crimen organizado. En la aprobada Ley de Extinción de Dominio no se incluyó un delito anticorrupción clave: el delito de enriquecimiento ilícito de funcionarios públicos. El delito de enriquecimiento ilícito de funcionarios consiste en el incremento del patrimonio de un funcionario con significativo exceso respecto de sus ingresos legítimos durante el ejercicio de sus funciones y que no pueda ser razonablemente justificado por él.

Durante los tres primeros meses del 2011 deberá elegirse a los magistrados de la Corte de Constitucionalidad (CC), cinco titulares y cinco suplentes, que tomarán posesión el próximo 14 de abril, para un período de funciones de cinco años. Cada uno de las instituciones u órganos encargados de designar a un magistrado

titular y a un suplente son: Corte Suprema de Justicia (CSJ), Presidente en Consejo de Ministros, Congreso, Consejo Superior Universitario (Usac) y Asamblea del Colegio de Abogados y Notarios de Guatemala. El inicio del nuevo período de funciones de la CC (2011-2016) se anticipa complicado debido a que podrían someterse a su consideración las eventuales candidaturas presidenciales de Sandra Torres, esposa del presidente Colom, del ex presidente Álvaro Arzú, así como la de Zury Ríos, hija de Ríos Montt.

El próximo semestre estará marcado por el inicio formal del periodo electoral. La convocatoria se hará por parte del Tribunal Supremo Electoral a principios del mes de mayo, momento a partir del cual podrá ya hacerse, legalmente, campaña electoral. Los candidatos en esta contienda deberán estar inscritos, a más tardar, el 12 de julio. Las elecciones generales, tendrán lugar durante la primera quincena del mes de septiembre y la segunda vuelta electoral, si fuese necesaria, en el mes de noviembre.

Dentro de las actividades realizadas que sobresalen para el periodo reportado se incluyen las siguientes:

#### **SUB-IR 2.1 “CIUDADANOS MEJOR INFORMADOS Y CAPACES DE EJERCER PROCESOS DE VEEDURÍA CIUDADANA Y LUCHA CONTRA LA CORRUPCIÓN”**

**LLR 2.1.1** Durante este período el PTI ha otorgado un total de ocho sub-donaciones a organizaciones de la sociedad civil guatemalteca por un monto total de US\$537,607.76. El objetivo principal de las actividades es el de empoderar ciudadanos guatemaltecos a promover cambios positivos en sus comunidades e incrementar la concientización ciudadana respecto a los esfuerzos necesarios para combatir la corrupción y demandar transparencia. Los donatarios son: Acción Ciudadana (AC), Fundación DESC, el Movimiento Pro Justicia (MPJ), Centro de Estudios de Guatemala (CEG), Voces Vitales Guatemala (VV), todos ellos socios estratégicos de USAID Guatemala.

Dentro de los resultados relevantes derivados de las intervenciones de los proyectos de donación se mencionan los siguientes:

- Acción Ciudadana capacitó 128 personas adicionales en temas inherentes al derecho de Acceso a la Información pública, iniciándose así la solicitud de 70 requerimientos de Información a Instituciones del Estado. La información resultante de algunos de estos requerimientos será fundamental en procesos inherentes de auditoría social.
- El 21 de diciembre de 2010, Acción Ciudadana presentó públicamente el Índice de Acceso a la Información Pública del Organismo Ejecutivo del 2010. La calificación para el Organismo Ejecutivo en esta ocasión equivale a 0.6, en un rango de 0 a 1.
- Acción Ciudadana coordinó la participación de Organizaciones de la Sociedad Civil para la elaboración y presentación pública del tercer Informe Independiente del Seguimiento a la Convención Interamericana contra la Corrupción (CICC). Las Organizaciones de la Sociedad Civil que participaron en la redacción del informe son: Red Nacional de Integridad (RNI); Asociación Guatemalteca de Investigadores del Presupuesto (AGIP); Fundación Myrna Mack (FMM); Grupo de Apoyo Mutuo (GAM); Dirección de Proyección Sociopolítica de la Universidad Rafael Landívar (URL) y Acción Ciudadana (coordinador).
- El Movimiento Pro Justicia El MPJ logró una extraordinaria y fortalecida participación de las organizaciones que conforman el Movimiento Projusticia (Madres Angustiadas, Familiares y Amigos

contra la Delincuencia y el Secuestro, Fundación Myrna Mack) en el segundo proceso de elección del Jefe del Ministerio Público y Fiscal General de la República, que se inició el 4 de agosto de 2010 y terminó el 3 de diciembre de 2010, con el nombramiento de la Dra. Claudia Paz y Paz. La Intervención del MPJ mejoró el desempeño de la Comisión de Postulación, específicamente respecto sus capacidades para la evaluación técnica y objetiva.

- El Movimiento Pro Justicia (MPJ) promovió la observancia de los principios de transparencia en el proceso de postulación y elección del Contralor General de Cuentas, iniciado el 9 de septiembre de 2010 y finalizado el 6 de diciembre de 2010. Nora Segura Monzón, es la primera mujer a cargo de la Contraloría General de Cuentas, y tomó posesión del cargo el siete de diciembre, tras recibir el acuerdo 37-2010, con el cual fue nombrada por el Congreso de la República.
- El Movimiento Pro Justicia (MPJ) promovió la participación ciudadana y mantuvo a la ciudadanía guatemalteca informada respecto los acontecimientos de los procesos de elección de Fiscal General de la República y Contralor General de Cuentas.
- El Centro de Estudios de Guatemala (CEG) durante la fase inicial del proyecto de donación identificó las siguientes iniciativas como eje central de su estrategia de incidencia:
  1. **Ley para la tipificación del delito de enriquecimiento ilícito.**
  2. **Ley de ONG's.**
  3. **Ley de Fideicomisos.**
  4. **Ley de Archivos.**
- Voces Vitales Guatemala ha desarrollado las herramientas para promover el programa de capacitación - mentoría política y reclutar a las 20 jóvenes guatemaltecas que serán las beneficiarias.

**LLR 2.1.2** El Proyecto de Transparencia e Integridad continua el dialogo y relacionamiento con Organizaciones del Sector Privado Tradicional y Sector Privado Emergente a fin de definir acciones a ejecutar en conjunto. En el año 2 de implementación del proyecto se apoyará a FUNDESA a fin de elaborar recomendaciones puntuales para que Guatemala mejore su puntuación y posicionamiento en el Índice de estándares financieros del eStandards Forum. FUNDES será el facilitador de la interacción con el sector privado emergente - micro, pequeña y mediana empresa (MIPYME) en Guatemala a fin de desarrollar un diagnóstico que nos permita al PTI conocer el grado de victimización de este sector en relación a casos de corrupción. Los resultados servirán para poder diseñar futuras intervenciones con el sector, especialmente con el sector emergente para internalizar el costo de la corrupción para las MIPYME.

**LLR 2.1.3** Durante los meses de noviembre y diciembre 2010 se inició el trabajo de planificación, diseño y ejecución del ciclo de actualización profesional para periodistas y del círculo de reflexión de columnistas sobre temas de transparencia e integridad. Estos espacios forman parte de la estrategia de comunicación que pretende socializar información y análisis con periodistas y columnistas sobre la temática del PTI e incidir en la agenda mediática a partir de contenidos relacionados a la lucha contra la corrupción y por la transparencia en el país.

Durante el mes de diciembre se realizó la primera actividad dirigida de manera conjunta a periodistas y columnistas, que consistió en una Conferencia Magistral sobre: “Grupos de Poder, Transparencia y Financiamiento de los Partidos Políticos.” En la misma se contó con la participación del senador uruguayo, Rafael Michelini, quien fue el ponente de una ley sobre transparencia y financiamiento de los partidos políticos aprobada por el Congreso y el Senado de su país, que permitió fortalecer el sistema de partidos políticos y transparentar la procedencia y utilización del uso de los fondos de campaña. Dicha actividad constituyó el lanzamiento del proceso de actualización para periodistas y columnistas.

En el mes de diciembre quedó suscrito el subcontrato entre el IREX y ARD con el objeto de implementar actividades para el fortalecimiento de unidades de investigación de seleccionados medios de comunicación de Guatemala. Asimismo, bajo este subcontrato se desarrollará el Pensum de Estudios de un programa de postgrado Grado en Periodismo de Investigación, requerido por la Universidad Rafael Landívar por medio de su Facultad de Humanidades.

#### **SUB-IR 2.2 “INSTITUCIONES DEL ORGANISMO EJECUTIVO FORTALECIDAS Y CON MAYOR CAPACIDAD DE IMPLEMENTAR Y SUPERVISOR MEDIDAS ANTI-CORRUPCIÓN”**

El 8 y 9 de diciembre de 2010 se llevó a cabo el seminario “Transparencia y Rendición de Cuentas: las dos caras de la gestión pública” con el apoyo del PTI. En el marco de la Convención de las Naciones Unidas contra la Corrupción, la Comisión para la Transparencia y Combate a la Corrupción creó un espacio para compartir los conocimientos académicos y la experiencia de profesionales nacionales e internacionales en relación al diseño e implementación de políticas de transparencia.

**LLR 2.2.1** Veinte Unidades de Acceso a la Información se han matriculado en el Programa de Asistencia Técnica para el Fortalecimiento de las mismas. El 30 de noviembre de 2010, el PTI dio a conocer su plan de fortalecimiento a las Unidades de Acceso a la Información y organizó visitas para conocer a profundidad sus desafíos y necesidades prioritarias.

**LLR 2.2.2** En el marco del seminario “Transparencia y Rendición de Cuentas: las dos caras de la gestión pública”, la Comisión para la Transparencia y Combate a la Corrupción, presentó ante representantes del Organismo Ejecutivo y Legislativo una estrategia para la elaboración de una política de transparencia, la cual contiene propuestas de acciones encaminadas a promover la transparencia y combate a la corrupción en referencia al contexto guatemalteco actual. Dicha estrategia fue elaborada con la asistencia técnica del PTI.

**LLR 2.2.3** En el periodo reportado se finalizó el informe final sobre el cumplimiento de la Declaración de Guatemala por una Región Libre de Corrupción.

#### **SUB-IR 2.3 “FOMENTO DE UN ROL MÁS ACTIVO DE LOS ÓRGANOS DE CONTROL”**

**LLR 2.3.1** En el periodo reportado, la propuesta de Ley Nacional de Archivos, formulada con apoyo del PTI fue presentada al Congreso de la República por la Diputada Rosa María de Frade convirtiéndose en iniciativa de ley número 4307.

Dentro del marco de la ejecución del Proyecto de Donación con el Centro de Estudios de Guatemala (CEG), se han pre identificado las iniciativas a continuación enumeradas, que en conjunto con los Diputados

ponentes de cada una de ellas se estarán promoviendo a fin de fortalecer el marco regulatorio en materia de transparencia y lucha contra la corrupción.

1. **Ley para la tipificación del delito de enriquecimiento ilícito:** en cumplimiento a la adecuación normativa que deriva de la ratificación de la Convención de Naciones Unidas contra la Corrupción y de la Convención Interamericana contra la Corrupción, deben adicionarse los tipos penales ahí previstos entre los que destaca el de enriquecimiento ilícito, entre otros.

2. **Ley de ONG's:** esta ley pretende regular la práctica de derivar fondos estatales para la ejecución por parte de organizaciones no gubernamentales, que por esa razón, se sustraen de la normativa en materia de compras y contrataciones del Estado, resultando de vital importancia para la transparencia del uso de los fondos públicos.

3. **Ley de Fideicomisos:** A partir de la década de los 90's algunas instituciones estatales utilizaron la estrategia de constituir fideicomisos, figura legal regulada por la Ley de Bancos, para evadir los requerimientos establecidos por la normativa en cuanto a compras y contrataciones. Esta ley fideicomisos pretende regular el uso de fondos públicos a través de fideicomisos a fin de transparentar el uso del erario público.

4. **Ley de Archivos:** la Ley de Acceso a la Información Pública establece un sistema para los archivos estatales y el Decreto 1768, del Congreso de la República está desactualizado a las exigencias actuales, por lo que es indispensable promover una adecuación legislativa a la normativa vigente.

**LLR 2.3.2** El PTI continuó proveyendo asistencia técnica, capacitación para el fortalecimiento institucional de las Fiscalías de Delitos Administrativos y Anticorrupción del Ministerio Público.

Se diseñó, discutió y presentó el Plan de Capacitación para la Fiscalía de Delitos Administrativos del Ministerio Público. Dicho plan fue aprobado por la Jefa de Sección de la Fiscalía de Delitos Administrativos, quien a su vez solicitó apoyo para la implementación del mismo.

En cumplimiento del Programa de Capacitación diseñado y aprobado para la Fiscalía Anticorrupción se impartió el módulo de Procedimientos Bancarios y Lavado de Dinero.

**LLR 2.3.3** El Congreso de la República eligió el 6 de Diciembre a Nora Segura, para que ahora dirija la Contraloría General de Cuentas.

El PTI trabajará durante el período enero-julio de 2011 en alianza con el Banco Mundial a fin de monitorear el desarrollo y actualización de diagnóstico previamente desarrollado por USAID para determinar la situación actual de este órgano de control estatal. Esta iniciativa se desarrollará conjuntamente con el Banco Mundial, siendo que ambas instituciones, USAID y el Banco Mundial tienen interés en esta actividad y participarán en el seguimiento y evaluación de la misma. Con esta herramienta se podrá establecer estrategia de intervención con las nuevas autoridades recién electas. Preliminarmente, se sugiere continuar trabajando en el fortalecimiento de las capacidades de auditoría (forenses) de esa institución y su relación con el Ministerio Público para aumentar la calidad de las investigaciones administrativas a cargo de la Contraloría que deben ser remitidas al Ministerio Público para su procesamiento.



#### **SUB-IR 2.4 “SISTEMA DE FINANCIAMIENTO DE PARTIDOS POLÍTICOS, QUE SE ENCUENTRE ESTABLECIDO Y FUNCIONANDO, MÁS TRANSPARENTE”**

Siendo este un componente de transición a un proyecto de asistencia técnica específico en la materia, el PTI ha iniciado el apoyo a la Auditoría del TSE en la elaboración de un Manual operativo para el Sistema de Correo Propio de la Auditoría Electoral que incluye el reporte de la asignación de cargos públicos.

Estas y otras actividades a reportar durante este período se encuentran descritas en la sección narrativa de SUB-IRs, LLRs y actividades especiales.

# 1.0 NARRATIVE REPORTING

## 1.1 CONTRACTUAL REPORTS AND DELIVERABLES

There are no contractual reports and/or deliverables to be reported for this period.

## 1.2 ACTIVITY REPORTING

### 1.2.1 SUB-IR 2.1: CITIZENS BETTER INFORMED AND CAPABLE TO OVERSEE AND FIGHT AGAINST CORRUPTION

Under this Sub-IR, PTI is facilitating access to technical and financial resources for civil society organizations (CSOs), media outlets, and the private sector to increase their capacity to fight against corruption.

Activities and tasks described under this section will be mentioned under other Lower-Level Results (LLRs). They are noted under this section to demonstrate the entirety of the work plan and each LLR result, and to illustrate how civil society participation and capacity is being improved and strengthened through the development of several activities.

#### LLR 2.1.1: INCREASE AND STRENGTHEN PARTICIPATION OF CSO IN WATCHDOG ACTIVITIES AND OVERSIGHT OF PUBLIC RESOURCES AND FUNCTIONS OF PUBLIC AUTHORITIES

PTI established a sub-grants program to implement activities under this LLR.

By the end of this reporting period, PTI had awarded eight sub-grants to local organizations for a total amount of US\$537,607.76.

The following descriptions summarize the objectives and development of the seven ongoing grant awards.

**1. Accion Ciudadana (AC).** PTI awarded a sub-grant to the local NGO *Accion Ciudadana* (Transparency International chapter in Guatemala) on January 4, 2010, for a total amount of Q819,953.51 (US \$99,994.33) to promote the right to access public information in Guatemala through the application of the Access to Information Law.

The grant was finalized on November 30, 2010. Table 1 describes the activities and targets met during the reporting period.

**Table 1- Key Objectives, Developments, and Results**

Objectives	Development
------------	-------------

During this quarter, Accion Ciudadana continued training Guatemalan citizens on issues relevant to access to information. A total of 128 citizens have increased their level of knowledge on the subject and are now capable of addressing requests for public information that comply with the requirements under the freedom of information law (*Ley de Acceso a la Información*).



**Citizens in Santa Teresa Tacuru Alta Verapaz, Guatemala, become familiar with their rights under the freedom on information law.**

To promote citizen demand for information and the exercise of legal actions to challenge GOG's refusal to comply with the disclosure of public information.

In addition, Accion Ciudadana provided assistance to the participants in training sessions to prepare 70 applications to request public information. The Project expects that these requests will lead to future social auditing efforts. The following example illustrates the usefulness of the information generated by the process: working with the Center for Forensic Analysis and Applied Science (*Centro de Análisis Forense y Ciencias Aplicadas –CAFCA*) a group of citizens from a community benefitting from the National Program on Reparations (Programa Nacional de Resarcimiento –PNR) have used the publication of newspaper articles describing irregularities detected in the Program operations to increase advocacy efforts and raise awareness.

Over the course of this quarter, the Project identified an interesting case among a number of appeals that have been filed to overturn denials for requested information. On August 17, 2010, a citizen, Justo Rolando Perez Quintana, filed a digital application requesting several items of public information from the National Congress. The term to respond to his application expired on September 1 and the National Congress did not file a request to extend the deadline. Accion Ciudadana then provided assistance to the citizen on September 30 to file a motion to review the original request. The motion to review was decided in his favor and the information was duly provided to Mr.

	<p>Perez Quintana.</p> <p>The lessons learned from this experience have been reported in the second and third issues of Accion Ciudadana's on-line publication known as <i>Informa Acción</i>. During the last quarter, the publications were emailed to civil society organizations, universities, public institutions, political parties, international organizations and, in addition, are posted on the Accion Ciudadana website at <a href="http://www.accionciudadana.org.gt/">http://www.accionciudadana.org.gt/</a>. (Annex B)</p>
Strengthen institutional venues to increase citizens' access to public information, working directly with governmental institutions (Access to Information Units) at the national level (supply-side approach).	<p>During this period, the Acción Ciudadana completed the process to strengthen the Access to Information Unit (UAI in Spanish) at the National Peace Fund (Fondo Nacional para la Paz -FONAPAZ). Acción Ciudadana carried out a final evaluation to monitor compliance of recommendations in the initial assessment (Annex: C and D. The evaluation identifies the following positive results:</p> <ul style="list-style-type: none"> <li>◆ The organizational chart for the Public Information Unit (UAI in Spanish) was officially approved.</li> <li>◆ A flow chart was designed to optimize the information request process.</li> <li>◆ An information request form was posted on the organization's website. The form is user-friendly and easy to understand.</li> </ul> <p>Although a number of recommendations still await implementation, Accion Ciudadana's support has enabled FONAPAZ to have the groundwork in place for future efforts to strengthen its UIP.</p>
Results	<p>In compliance with USAID requirements for this quarter, Accion Ciudadana provided training to 128 citizens on their rights to access public information.</p> <p>Accion Ciudadana provided assistance in submitting a total of 70 requests to access information.</p> <p>The FONAPAZ technical assistance component concluded and was evaluated against the strengthening plan.</p>

#### Obstacles:

Project training efforts encountered a number of difficulties as citizens find it hard to commit and make time for these activities. Primarily, project implementation was hampered by a persistent fear and unwillingness that citizens feel in exerting their rights on a day-to-day basis. In rural communities, this is aggravated further by submission to traditional social structures of authority exerted by the mayor or other leader who may interfere or attempt to block citizen efforts to exert their rights in combating corruption.

The degree of success in strengthening public information units relies on the political will of a number of stakeholders that are not directly involved with the Project. This did not work in favor of Acción

Ciudadana's efforts to support the Project. There were continuous staffing changes among public officials responsible for the UAIs and a subsequent lack of continuity in meeting agreements or complying with activities led by the Project team.

The Project also began providing support last quarter to the Secretariat for Executive Coordination of the Presidency. The effort was abruptly terminated when the Secretariat was replaced by an individual with an outstanding arrest warrant dating back to 2006. After careful analysis, Acción Ciudadana opted to desist from further cooperation efforts and avoid any negative repercussions to the Project.

**2. The Pro – Justice Movement (MPJ).** PTI awarded a sub-grant to the Pro-Justice Movement on February 5, totaling US\$75,000.00 (Q615,000.02), to increase public oversight of the selection process for the Attorney General. MPJ was tasked with advocating for transparency and monitoring the application of the recently approved Nomination Committee Law to regulate the selection process of candidates for Attorney General. MPJ developed a communications strategy to keep relevant stakeholders and the public informed on the process.

The technical assistance provided under this grant concluded in September 2010 and was described in previous quarterly reports. MPJ submitted their second to the last financial report on October 12, 2010 and the Project is awaiting the final technical and financial reports.

**3. Accion Ciudadana.** PTI awarded an additional sub-grant to AC on June 27, 2010 totaling US\$70,114.32 (Q53,903.12). This sub-grant funded monitoring and promotion of implementation of the Inter-American Convention against Corruption (IACC) by the GoG.

Table 2 describes the activities and targets met during the reporting period.

**Table 2- Key Objectives, Developments, and Results**

Objectives	Development
Develop an independent report on implementation of the Inter-American Convention Against Corruption.	<p>The independent report was submitted to the MESICIC on August 13, 2010 and can be viewed on the OAS website at <a href="http://www.oas.org/juridico/spanish/mesicic3_gtm.htm">http://www.oas.org/juridico/spanish/mesicic3_gtm.htm</a>. The link also includes annexes and the English version of the executive summary.</p> <p>During the reporting period, Accion Ciudadana led two important activities:</p> <ul style="list-style-type: none"> <li>◆ A press conference on October 28, 2010 to disseminate the findings of the independent report. The conference was presided over by representatives from each one of the organizations on the team that prepared the report. Attendance included a number of mass media outlets, such as: <u>Diario La Hora</u>, <u>Emisoras Unidas</u>, <u>Radio Punto</u>, <u>Radio TGW</u>, <u>Canal Antigua</u>, <u>Prensa Libre</u> y <u>Diario de Centroamérica</u>.</li> </ul>

- ♦ The “Independent Report to Monitor Implementation of the Inter-American Convention Against Corruption” was presented to the public on October 28, 2010. The presentation highlighted the key findings in the Independent Report and was attended by 70 individuals, including a number of public officials. A copy of the Report was delivered to Dr. Jorge Perez as representative of the State of Guatemala to MESICIC.



**Dr. Jorge Perez, Representative of the State of Guatemala to MESICIC, receives a copy of the Independent Report**

As a result of the findings in the Independent Report, a major daily, Prensa Libre reported coverage on the data and included an article entitled “Government Exonerates Fines.” The social auditing effect of the coverage became apparent when a member of Congress, Anibal Garcia, called the Superintendent of Tax Administration (SAT in Spanish) to testify before Congress regarding the fines that were exonerated. The head of SAT testified that two members of Congress from Administration’s President Colom’s political party, *Unidad Nacional de la Esperanza* – UNE are among those taxpayers whose fines were exonerated.

In addition, Congress is currently debating bills to eliminate bank secrecy issues for tax purposes. This was one of the recommendations included in the Independent Report.

It is worth noting that the MESICIC Technical Secretariat expressed satisfaction upon receiving the independent report and as a result, Accion Ciudadana was invited to participate at the III Conference of MESICIC Party States in Brasilia in December 2010. During the Conference, Accion Ciudadana was held up as an example of a best practice joint effort between civil society and government in complying with the ICAC.

Results	Civil society organizations <sup>1</sup> worked together in drafting and submitting the Third Independent Report on Compliance with the ICAC.

#### Obstacles:

In October 2010, Accion Ciudadana restructured its technical team and this led to a number of negative repercussions in implementing the grant. The lack of a coordinator and full time assistant increased the risk of not being able to successfully execute the grant project. To mitigate the risk, the Project opted to freeze implementation until the point at which Accion Ciudadana could notify PTI who had responsibility for project implementation. Unfortunately, Accion Ciudadana was never able to reply to this request. Upon careful review, PTI concluded that Accion Ciudadana lacked the capability required to meet the objective for the second phase of the Project/ Result No. 2 *To promote progress in the implementation of recommendations made by the Convention's Mechanism for the Implementation of the Inter-American Convention against Corruption –MESICIC*. On December 7, the Project notified Accion Ciudadana that the grant agreement was terminated.

#### 4. *Pro-Justice Movement (Movimiento Pro Justicia -MPJ)*. PTI awarded a sub-grant to the Pro-Justice Movement on September 28, 2010 totaling US \$98,753.15 (Q780,149.85), to guarantee the legality, transparency and publicity in the processes to select the Attorney General and Comptroller General.

The Project aims to further the participation of civil society in the election of public officials. This grant focuses on the direct intervention of civil society in the selection of the Attorney General and Comptroller General, crucial to transparency and the Guatemalan justice system.

As previous reports have described, the nomination and selection process to appoint high-level authorities was long, drawn out and plagued by political wrangling. The ProJustice Movement was awarded the grant to monitor the process to appoint the Attorney General; this second initiative followed a first attempt to elect the AG after the Constitutional Court voided the first election and ordered a new process.

MPJ has developed leadership to the degree that it is able to promote its organizational vision and perspective, but also to rally a significant number of civil society organizations to join efforts in reverting the negative backlash from the first failed effort to nominate candidates and appoint the Attorney General. Their work was successful in turning the process around and setting the bar higher for future high-level appointments.

Table 3 describes the activities and targets met during the reporting period.

<sup>1</sup> CSOs that participated in developing the report include: National Integrity Network (*Red Nacional de Integridad -RNI*); Guatemalan Association of Budgetary Research (*Asociación Guatemalteca de Investigadores del Presupuesto -AGIP*); Myrna Mack Foundation (FMM); Mutual Support Group (*Grupo de Apoyo Mutuo -GAM*); Rafael Landivar University, Department of Social-Political Forecasting (URL) and Accion Ciudadana as the report coordinator.

**Table 3 - Key Objectives, Developments, and Results**

◆ Objectives	◆ Development
Improve the technical and objective evaluation ability of the Nomination Committee for Attorney General.	<p>The ProJustice Movement managed to rally its member organizations (<i>Madres Angustiadas</i>, <i>FADS- Familiares y Amigos contra la Delincuencia y el Secuestro</i> and the <i>Myrna Mack Foundation</i>) behind a strong and concerted effort to oversee the second process to select candidates and appoint the Attorney General and head of the Public Ministry. The process began on August 4 and concluded on December 3, 2010 with the presidential appointment of Dr. Claudia Paz y Paz.</p> <p>A scorecard was designed and the criteria were factored in over the course of many sessions of the Nominations Committee until consensus was reached in October 2010. The scorecard had been presented in August 2010 as the product of a concerted effort involving the following organizations:</p> <p>Alianza Evangélica de Guatemala  Alianza internacional para la consolidación de la paz  Asociación de Investigación y Estudios Sociales (ASIES)  Asociación Política de Mujeres Mayas (Moloj)  Agexport  Asociación de Azucareros de Guatemala  ASOREMA  Centro de Estudios de Guatemala (CEG)  Consejo de Organizaciones Mayas de Guatemala (COMG)  Comité Coordinador de Asociaciones Agrícolas, comerciales, Industriales y Financieras (CACIF)  Comunidad Judía de Guatemala  Confederación Nacional de Cooperativas (CONFECOOP)  Convergencia Cívico Política de Mujeres  Facultad Latinoamericana de Ciencias Sociales (FLACSO)  Familiares y Amigos contra la Delincuencia y el Secuestro (FADS)  Federación de la Pequeña y Mediana Empresa Guatemalteca (FEPYME)  Fundación Myrna Mack  Fundación Pro Paz  Fundación Sergio Paiz Andrade  Fundación Soros  Fundación para el Desarrollo de Guatemala (FUNDESA)  Fundación KUKULCAN  Grupo de Apoyo Mutuo (GAM)  Grupo Barómetro  Instituto de Estudios para el Desarrollo Sostenible (IEPADES)  Instituto DEMOS  Incidencia Democrática (IDEM)  Instituto Centroamericano de Estudios Fiscales (ICEFI)  Jóvenes por Guatemala, Pedro Cruz  Organismo Naleb'  Movimiento Nacional por la Integridad</p>



	<p>Movimiento Cívico Nacional  Movimiento Pro Justicia  Madres Angustiadas  Pastoral Social de la Conferencia Episcopal  Pilas con tu Voto  Universidad Rafael Landívar  Un Joven Más  Cámara de Industria de Guatemala  Cámara del Agro  Cámara de Finanzas  Cámara de Comercio  MeImportaguatemala.org  Joven Emergente</p> <p>As proposed, the scorecard reflects a fundamental convergence of social auditing efforts monitoring the selection and appointment process for Attorney General. The scorecard was the first technical instrument presented.</p> <p>Efforts to directly lobby the committee members individually, as well as advocacy of the committee as a whole, included various activities such as oral and written presentations of the Nomination Committee proposal, general presentations to the assembled committee and separate meetings with the President of the Committee as well as with a number of individual members.</p>
<p>Improve the technical and objective evaluation ability of the Nomination Committee for Comptroller General.</p>	<p>The Comptroller General is responsible for appropriate accountability of the financial resources managed by the various entities using public funds. The appointment of this important official requires a transparent process. PTI provided ProJustice Movement with a grant to monitor the selection which began on September 8, 2010 and ended on December 6, 2010 after applying transparent processes for the selection of a candidate.</p> <p>MPJ efforts focused on the following:</p> <p>Direct lobbying of the members of the committee regarding the qualifications and selection criteria based on verifiable information. The Nomination Committee directly requested MPJ assistance in order to be able to assess an objective score for integrity.<sup>2</sup></p> <p>Proposal and official submission of a document describing ethics and integrity as well as a mechanism designed to appropriately debate their assessment.</p>

---

<sup>2</sup> See: Letter signed by the Nomination Committee for Comptroller General, Ref. CP-CGC-21/2010, dated October 4, 2010 signed by Carlos Humberto Echeverría Guzmán, Secretary for the Committee

	<p>A systematic review of prior decisions handed down by the Constitutional Court regarding publically-acknowledged integrity to enable the Nomination Committee to work from that precedent.</p> <p>MPJ came before the full assembly of the Committee to present its findings in regard to the process and overall content.</p>
Advocate within the Guatemalan Congress in order to optimize and generate parameters and patterns to be followed in future election processes.	MPJ will begin work on this target during the following quarter (January to March 2011).
<p>Promote citizen participation in the election process for Attorney General and General Comptroller through the Social Communication Strategy.</p> <p style="text-align: center;">&amp;</p> <p>Permanently inform the population about the election process for Attorney General and Comptroller General and their key functions through the implementation of a Social Communication Strategy.</p>	<p>One of the most significant outcomes of this component was a public forum jointly organized on November 17, 2010 by MPJ, the President of the National Congress and the Authority of Legislative Political Party Delegates (<i>Instancia de Jefes de bloques legislativos</i>). During the forum, each and every candidate for nomination submitted a work plan and participated in a question and answer session to provide further information on their proposals regarding integrity issues, internal controls, transparency and the fight against corruption.</p> <p>All of ProJustice Movement advocacy efforts were covered by the principal communication outlets<sup>3</sup>. MPJ developed and distributed their own press releases and updates with an effective use of digital media and social networking applications (websites, blogs and networking sites).</p> <p>In the rural areas, ProJustice Movement held town hall meetings in San Marcos and Huehuetenango where 85 and 57 individuals, respectively, had an opportunity to discuss the impact of the Law on Nomination Committees on the process of selecting the Comptroller General.</p> <p>A system was set up so that the public could submit complaints or tips to ensure appropriate scrutiny of the candidates' qualifications.</p> <p>An example of this is the fact that the Acting Attorney General, who nominated for election, was disqualified. A number of complaints were received regarding her alleged involvement in cases under investigation. The use of Access to Information</p>

---

<sup>3</sup> See: Cereser, L. Elección. *Candidatos a Contralor piden más quejas de la población*. Prensa Libre, Thursday, November 18, 2010.

	<p>mechanisms led to discovery of an even greater number of allegations. Although the Nomination Committee did not officially attribute her disqualification to the findings, it was understood to be the reason she did not receive score required for integrity and ethics.</p> <p>PTI also provided support to the International Commission of Jurists in monitoring the appointment of the Attorney General. The organization demanded transparency and objective selection processes and public opinion supported their efforts.</p>
Results	<p>The process to select the Attorney General and head of the Public Ministry concluded with the presidential appointment of Dr. Claudia Paz y Paz. Her appointment was widely accepted by the general public <sup>4</sup> as well as by organizations from the justice and security sectors<sup>5</sup>. Her support is a clear indication that the process was successful.</p> <p>There are a number of marked differences between the first failed attempt and the second successful process:</p> <ol style="list-style-type: none"> <li>1. Qualifications based on ethical values were omitted from the first attempt, but were assessed in the second process. The assessment was based on the criteria proposed by ProJustice Movement and <i>Convocatoria Ciudadana</i>. Due to the fact that the Committee opted to use a numbered scale rather than a qualitative score as proposed, there were some discrepancies in assessing ethical values.</li> <li>2. Throughout the second process, the Nomination Committee applied technical-scientific instruments (interviews and psychological testing) to evaluate the candidates, which was an approach originally proposed during the first attempt, but not taken into account.</li> <li>3. In addition, prior to beginning the second process, the Committee determined how to apply a transparent assessment to the integrity of the candidates. This had been somewhat improvised during the first attempt and was deemed unacceptable.</li> <li>4. It appears that the advocacy efforts throughout the initial attempt and leading up to the second process to ensure</li> </ol>

<sup>4</sup> See: <http://www.lahora.com.gt/notas.php?key=77771&fch=2010-12-22>, Acuña, Claudia. **Hoy podrían integrar nómina de aspirantes**, Prensa Libre newspaper, Friday, December 3, 2010, pg 4.

<sup>5</sup> See: <http://www.frmt.org/news/2010/07/05/0001>

	<p>transparency, led to a pool of better-qualified candidates that submitted their applications for the second round.<sup>6</sup></p> <p>The ProJustice Movement advocacy efforts made a significant impact<sup>7</sup> in the success of the process. The efforts ensured: that the assessment included discussion and evaluations of the candidates' integrity; the use of technical and scientific instruments to produce weighted scores; that better-qualified candidates submitted their applications confident that the process was to be transparent and improved. Similarly, it is worth noting that the improvements and deciding factors applied throughout the second process were the result of the advocacy and lobbying applied during the first attempt.</p>
--	--

**5. Accion Ciudadana.** PTI awarded a sub-grant to AC on June 27, 2010, totaling US \$30,324.16 (Q242, 099.71) to develop and launch the 2010 Access to Information Index for the Executive Branch. This will be the third application of this index to measure the Executive's compliance with the recently approved Access to Information Law.

Table 4 describes the activities and targets met during the reporting period.

**Table 4 - Key Objectives, Developments, and Results**

Objectives	Development
Develop and launch the 2010 Access to Information Index for the Executive Branch	The Access to Information Index for the Executive Branch was presented to the public on December 21, 2010. The score was 0.6 on a scale of zero to one (0-1). The array of indicators that were scored made it easy to identify the best-performing Access to Information Units. During the event, the top three performers received recognition: 1. Ministry of the Environment and Natural Resources, 2. Presidential Secretariat for Planning and Programming, 3. Ministry of Public Finance.

<sup>6</sup> See: [http://www.prensalibre.com/noticias/Presentan-nomina-aspirantes-Fiscal-General\\_0\\_383961629.html](http://www.prensalibre.com/noticias/Presentan-nomina-aspirantes-Fiscal-General_0_383961629.html) and Acuña, Claudia. *Presentan nómina de seis aspirantes a Fiscal General*. *Prensa Libre* newspaper, December 4, 2010 and adjacent text boxes.

<sup>7</sup> See: Méndez Villaseñor, Claudia. *Colom escucha a agrupaciones*. *Prensa Libre* newspaper, Thursday, December 9, 2010, pg 5.

	 <p><b>Manfredo Marroquín, President, Accion Ciudadana presents award to Luis Ferrate, Minister of Environment and Natural Resource while Vice President of Guatemala, Rafael Espada looks on. Karin Slowing, Presidential Secretariat for Planning and Programming and Marco</b></p> <p>The Index measured six indicators: posting information on websites; periodically updating posts; creating and operating Access to Information Units; providing information effectively and efficiently; submitting quality reports to the Office of the Human Rights Ombudsman, and training public officials (Annex E).</p>
Results	The degree to which information is accessible within the Executive Branch in 2010 is assessed and made public.

**6. Center for Guatemala Studies (Centro de Estudios de Guatemala -CEG).** PTI awarded a sub-grant to the local NGO Center for Guatemala Studies (CEG) on November 15, 2010 for a total of US\$76,890.51 (Q607,434.95 ) to increase transparency in Guatemala through the promotion and advancement of the Transparency Legislative Agenda. The Project has three specific objectives:

Table 5 describes the activities and targets met during the reporting period

**Table 5 - Key Objectives, Developments, and Results**

Objectives	Development
Provide technical assistance and support to the Legislative Transparency Commission to promote the Transparency Legislative agenda through implementation of an advocacy strategy.	<p>During the initial phase of the CEG project, the following four components were identified as cross-cutting themes for an advocacy strategy:</p> <ol style="list-style-type: none"> <li>1. Law Against Illicit Enrichment</li> </ol> <p>Legislative Bill No. 3894 on the Law Against Illicit Enrichment is being proposed by congressional members Anibal Garcia and Nineth Montenegro. The Bill is complemented by two additional</p>

	<p>proposals, Nos. 3919 and 3963. All three pieces of legislation were combined into a single bill and were accepted in December 2008. It is expected that the bill will be passed after the first review.</p> <p>2. Law on NGOs developing public works</p> <p>In regard to the proposed legislation regulating NGOs developing public works, the proposal is to combine two bills (No. 4181 submitted by Congressman Gudy Rivera and No. 4182 submitted by Congresswoman Rosa Maria de Frade) with very similar content. It is worth mentioning that a strategy is in place to reverse the vote against Bill No. 4182 and have it included under No. 4181 which was accepted. CEG has prepared a review of the proposed strategy based on the commonalities between both bills, as well as on the differences that should be addressed when combining them, and submitted it to Congresswoman Rosa Maria de Frade.</p> <p>3. Law on Public Trust Funds</p> <p>CEG has been working with the Congressional Committees on Monetary Issues and Finance and on Economy and Foreign Trade for their approval in submitting the bill on public trust funds.</p> <p>4. Law on the National Archives</p> <p>The Law on Access to Public Information includes provisions for a system of national archives which are currently regulated under Congressional Decree No. 1768. Those regulations are outdated and incompatible with the new access to information law; and, essentially, require new proposals to develop more appropriate regulations.</p> <p>In January 2011, CEG will develop a specific advocacy strategy for each one of the proposed legislative bills. The strategy will factor in a number of issues surrounding each proposal working its way through Congress and takes into account the follow up actions to ensure passage.</p>
CSOs and the International Community lobby Congress to approve law initiatives to increase transparency in Guatemala.	CEG has submitted an analysis of current priorities and 2011 political mapping of the legislature to a number of USAID officials, including Kevin Kelly, USAID/Guatemala Mission Director. The document includes an in-depth analysis provided

	by Eduardo Nunez, Resident Director, of the <i>National Democratic Institute</i> in Guatemala.
Results	A contextual analysis and political mapping of the legislative branch is available and three bills to increase transparency are before Congress.

**7. Vital Voices Guatemala (VVG):** PTI awarded a sub-grant to VVG on November 15, 2010, totaling US \$86,303.17 (Q681,795.00) to carry out a training program in the area of political participation for emerging rural, urban, indigenous and/or university women leaders based on theoretical concepts and hands-on training to contribute to their personal growth, share their work and achievements, foster the creation of a broad network of contacts, and provide them with the necessary tools to recognize and take advantage of the opportunities that exist to actively participate and lead in their country's political processes, including social auditing process.

Table 6 describes the activities and targets met during the reporting period

**Table 6 - Key Objectives, Developments, and Results**

5. Objectives	6. Development
To carry out a training program that will empower 20 mentees by providing them with different activities that enhance their problem-solving and leadership skills, improve their ability to conduct themselves in professional environments, and strengthen their aptitude to define objectives, reach goals and develop and implement their projects.	<p>During the reporting period, Vital Voices began work to raise awareness of their training program. Their activities included:</p> <ol style="list-style-type: none"> <li>1. Contacting communication media (<i>Amiga</i> magazine, <i>Mujer y Negocios</i> magazine) to request coverage of the Vital Voices training program and describe the application process.</li> <li>2. Posting information on the internet (<a href="http://www.vitalvoicesguatemala.org">www.vitalvoicesguatemala.org</a>) including the selection criteria, scheduled activities, summaries of Modules I and II and application forms.</li> <li>3. The graphics were designed to advertise the program and create posters that will be distributed in strategic locations.</li> </ol>
Results	A training program is supported to empower 20 women leaders.



Graphic design image used to raise awareness of training program.



***Activities supported through the Rapid Response Fund to facilitate Civil Society Organizations' access to technical and financial resources to participate in watchdog activities and oversight of public resources and functions of public authorities.***

In regard to the election of the head of the Public Criminal Defense Institute (*Instituto de la Defensa Pública Penal* –IDPP), the ProJustice Movement played a key role in ensuring the use of their proposed criteria to score integrity in compliance with the decision handed down by the Constitutional Court. The process concluded on December 6, 2010 with the appointment of Blanca Stalling to a second term.



Blanca Stalling is sworn in.

### ***Special Activities***

#### ***Monitoring Implementation of the United Nations Convention Against Corruption (UNCAC)***

A group of representatives from Guatemala Peaceful Youth and the National Integrity Network met on October 21, 2010 to monitor results from the training session on the UNCAC held on August 25<sup>th</sup>.

The objective of the meeting was to select individuals responsible for drafting a progress report on UNCAC implementation for presentation to the public during the next quarter. The activity seeks to involve Guatemalan youth in the fight against corruption and contribute to global efforts toward civil society participation in ensuring UNCAC implementation.

***Expose members of CSOs to anticorruption best practices by funding their participation in international events and study tours.***



Left to right: Ms. Alma Aguilar, representing Guatemala Peaceful Youth; Mr. Gregory Ngbwa Mintsu, recipient of the TI “Integrity Award”, and Mrs. Rosa María de Frade, Congresswoman from the Republic of Guatemala

Transparency International’s 14th International Anti-Corruption Conference (IACC) was held in Bangkok, Thailand from November 10-13, 2010. PTI provided support for the participation of four representatives from Guatemala: Ms. Alma Aguilar, Mr. Emanuel Callejas, Mr. Francisco Viau and, Congresswoman Rosa Maria de Frade. The IACC is considered the principal world forum gathering heads of state, government representatives, civil society, academia, journalists and private sector representatives to discuss and analyze solutions to the problems presented by corruption.

Throughout the plenary sessions and discussion groups, the conference provided participants with updated information on transparency and new tendencies in corruption. In addition, participants had opportunities to learn about corruption in terms of climate change and in compliance with



the Millennium Goals. The main objective of the conference was to develop strategies to overcome the effects of corruption that may permeate every possible environment.

One of the key outcomes of the conference was the “Bangkok Declaration: Restoring Trust” which confirms the IACC’s relevance in fostering debate on the global challenges in facing corruption and in defining an action plan to combat it.

On December 14, 2010 the Project met with the representatives from Guatemala that attended the conference to ascertain the level of knowledge they increased and identify any innovative practices they feel may be replicated in Guatemala.

***Strengthen selected Civil Society Organizations to Increase Organizational Performance and Sustainability***

The process to hire PricewaterhouseCoopers PwC to provide technical assistance to Acción Ciudadana was concluded in this reporting period. The contract for Q540,723.23 was signed on November 12, 2010 and focuses on strengthening human, financial and management resources to build institutional capacity.

In addition, PwC presented PTI with a schedule of activities and results from the diagnostic assessment on Accion Ciudadana. This will be developed into the basis for the Institutional Strengthening Plan to be submitted in January 2011.

Table 7 summarizes the activities planned to be undertaken during next reporting periods.

**Table 7 - LLR 2.1.1 Planning for Next Quarter**

<b>Lower-Level Result (LLR) 2.1.1 Increase and strengthen participation of CSO in watchdog activities and oversight of public resources and functions of public authorities.</b>												
<b>Activities</b>	<b>FY 2010 - 2011</b>											
	<b>Q1</b>			<b>Q2</b>			<b>Q3</b>			<b>Q4</b>		
	<b>O</b>	<b>N</b>	<b>D</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A</b>	<b>S</b>
Continue to implement sub-grant with ProJustice Movement (MPJ) to guarantee the legality, transparency and publicity in the election of the Attorney General and Comptroller General.												
Continue to implement sub-grant with Centro de Estudios de Guatemala (CEG) to increase transparency in Guatemala through the promotion and advancement of the Transparency Legislative Agenda.												
Continue to implement sub-grant with VITAL VOICES to train Emerging Women Political Leaders.												
Allocate funding to support the design and execution of CSO initiatives to detect and curb corruption counterparts, including but not limited to: GAM, FUNDESA, FUNDES, MPJ												

Lower-Level Result (LLR) 2.1.1 Increase and strengthen participation of CSO in watchdog activities and oversight of public resources and functions of public authorities.												
Activities	FY 2010 - 2011											
	Q1			Q2			Q3			Q4		
	O	N	D	J	F	M	A	M	J	J	A	S
Conclude the report on monitoring UNCAC through collaboration with Guatemala Peaceful Youth and National Integrity Network												
Develop and implement a Standard Training Program directed at Civil Society Organizations regarding Access to Information that result in requests to access information.												

#### LOWER-LEVEL RESULT 2.1.2: PRIVATE SECTOR MORE ACTIVE AND COMMITTED WITH THE FIGHT AGAINST CORRUPTION

The PTI set up discussions and contacts within the traditional private sector organizations and emerging private sector groups in order to define strategies for joint action. The second year of project implementation will include support for FUNDESA in generating specific recommendations to support improvements in Guatemala's scores and ranking on the financial standards index under the eStandards Forum. Another organization with a similar acronym, FUNDES, will facilitate the involvement of the emerging private sector in micro, small and medium enterprise development in Guatemala through a diagnostic assessment that will allow PTI to assess the degree of victimization that this sector bears in regards to corruption. The findings will lay the foundation for the design of future activities in the area.

Table 8 summarizes the activities planned to be undertaken during next reporting periods.

**Table 8 - Planning for Next Quarter for LLR 2.1.2**

Lower-Level Result (LLR) 2.1.2: Private Sector more active and committed with the fight against corruption												
Activities	FY 2010 - 2011											
	Q1			Q2			Q3			Q4		
	O	N	D	J	F	M	A	M	J	J	A	S
Develop recommendations to improve Guatemala's Financial Standards Index Score.												
Develop diagnostic assessment to assess the degree of victimization that the Micro, Small and Medium Enterprise Sector bears from effects of corruption.												

### **LOWER-LEVEL RESULT 2.1.3: MASS MEDIA PUBLISHES HIGH QUALITY INFORMATION TO CONTROL CORRUPTION AND PROMOTE ACCOUNTABILITY**

#### **Implement Roundtable Discussions (Circles of Reflection) for Journalists and Columnists**

Throughout November and December 2010, work began to plan, design and implement professional development activities directed at journalists and columnists to participate in roundtable discussions on integrity and transparency issues.

The roundtables are part of a communication strategy and present unique opportunities to raise awareness, inform and foster analytical discussion among journalists and columnists about issues that the Project addresses. It advocates for the media to focus on content that contributes to fostering transparency and advancing the fight against corruption in Guatemala.

In a parallel effort, the Project set up contact points with upper management at the principal mass communication media in order to present the proposal and invite them to appoint a journalist on their staff to join the roundtable as well as attend a certification course for professional-development. PTI set up an activity schedule and designed the components for each segment of professional development while coordinating the events with the School for Communication Sciences from San Carlos University which will provide the certification for the course.

In addition, a number of components were coordinated with other national and international organizations that are currently working in this field. The Project seeks to combine efforts in developing the professional-development strategy and set up alliances to reach the objectives by including participation from specialists and international experts. Under Marielos Monzon, PTI consultant, the Project set up a coordinating mechanism with representatives from: the International Commission Against Impunity in Guatemala (CICIG), the United Nations Office of the High Commissioner for Human Rights (UNOHCHR), the National Democratic Institute (NDI), the United Nations Development Program (UNDP), the Center for Guatemala Studies (CEG) and the Institute for Compared Studies on Criminal Science (ICCPG).

The first activity for journalists and columnists was held in December and focused on a conference and lecture on “Groups in Power, Transparency and Political Party Financing”. The lecture was given by Senator Rafael Michelini, from Uruguay, who discussed legislation on transparency and political party financing recently passed in his country. He addressed how the legislation had strengthened political party structures and provided transparency regarding the source and use of campaign financing. The lecture was an excellent way to launch the professional development process designed for journalists and columnists.

The participants included a total of 18 journalists and 11 columnists from 16 mass communication media outlets (press, radio and television). In addition, the event provided an excellent opportunity for news programs and current event shows to schedule exclusive interviews on the program. The interviews and guest appearances will run on Antigua Television Channel (current events on **A las 8:45**), Guatevision Television Channel (**Diálogos**), El Periodico and the Diario de Centroamerica magazine.

As part of a joint effort with other national and international organizations, a first public forum was held entitled “The Fight Against Impunity: the Latin American Experience”. The event was attended by the CICIG Commissioner, Francisco Dall’Anese Ruiz, Uruguay Senator Rafael Michelini and the recently appointed Attorney General and head of the Public Ministry, Claudia Paz. The event was organized, coordinated and moderated by the journalist, Marielos Monzon and had a total of 170 participants that included a significant number of journalists from mass communication and social media.

During the following quarter, the Project plans to have regularly-scheduled weekly sessions for the Journalism Professional Development Certification Course and hold monthly meetings of the roundtable discussion group.

In addition to scheduling activities for an international expert or specialist to address the journalists or lead the roundtable discussions for the communication media, the Project also plans to continue to lead the inter-institutional coordination mechanism.

A sub-contract between IREX and ARD was signed in December to implement activities to strengthen investigative units selected among Guatemalan communication media. The sub-contract will also develop the studies program for a post-graduate degree in investigative journalism that will be offered by the School of Humanities at Rafael Landivar University.

Table 9 summarizes the activities planned to be undertaken during next reporting periods.

**Table 9 - Planning for Next Quarter for LLR 2.1.3**

Lower-Level Result (LLR) 2.1.3: Mass media publishes high quality information to control corruption and promote accountability												
Activities	FY 2010 - 2011											
	Q1			Q2			Q3			Q4		
	O	N	D	J	F	M	A	M	J	J	A	S
Continue implementation of reflection circle (roundtables) for columnists, and carry out program for journalists to promote Transparency and Anticorruption matters vis a vis the current political situation in Guatemala												
Initiate activities under sub-contract with IREX to work with specific newspapers and media outlets to upgrade their existing capacity to conduct investigative journalism and to promote investigative journalism curricula in mass media programs with selected universities in Guatemala.												

### 1.2.2 SUB-IR 2.2: KEY EXECUTIVE BRANCH'S INSTITUTIONS STRENGTHENED AND WITH INCREASED CAPACITY TO OVERSEE AND IMPLEMENT ANTI-CORRUPTION MEASURES

PTI provided technical assistance to information units in the Executive Branch to implement the recently enacted Access to Information Law, strengthen the Executive Secretariat of the National Transparency and Anti-Corruption Commission, support GOG compliance with the IACC and UNCAC, and strengthen mechanisms for lodging allegations of corruption and administrative felonies.

#### Special Activity:

PTI provided support to hold a workshop on “Transparency and Accountability: Two Sides of Public Administration<sup>8</sup>” on December 8-9<sup>9</sup>, 2010. Framed by the United Nations Anti-Corruption Convention, the National Transparency and Anti-Corruption Commission organized the event to exchange information among academia, and national and international experts in the field of designing and implementing policies for transparency. The event was attended by 120 individuals including public officials, civil society representatives and university students.



Workshop on “Transparency and Accountability: Two Sides of Public Administration” included a panel discussion on Transparency Oversight: Progress in design and implementation.

Details on the results from this Project activity are included in the table on the four LLRs included under this Sub-IR.

#### LOWER-LEVEL RESULT 2.2.1: FREEDOM OF INFORMATION (FOI) LAW WIDELY DISSEMINATED AND IMPLEMENTED BY THE EXECUTIVE BRANCH AND OTHER NATIONAL INSTITUTIONS

A total of twenty Access-to-Information Units have signed up for the technical assistance program designed to strengthen them. On November 30, PTI presented the institutional strengthening plan and scheduled site visits that will enable the Project to assess gaps and prioritize needs.

Units signed up:

1. Office of the Vice President of the Republic
2. Secretariat for Food Security and Nutrition
3. Presidential Secretariat for Planning and Programming
4. Secretariat for Strategic Intelligence
5. Secretariat for Social Welfare
6. Secretariat for Agrarian Affairs
7. Ministry of Foreign Relations

---

<sup>8</sup> Further details available at: <http://www.vicepresidencia.gob.gt/v2/content/transparencia>

<sup>9</sup> In order to increase awareness regarding corruption and the role to be played by the Convention subscribed to prevent and combat it, the United Nations General Assembly approved a resolution on November 21, 2003 to declare December 9 as International Anti-Corruption Day. See: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N03/453/18/PDF/N0345318.pdf?OpenElement>

8. Ministry of National Defense
9. Ministry of the Interior
10. Ministry of Public Finance
11. Ministry of Energy and Mining
12. Ministry of Economy
13. Ministry of Sports and Culture
14. Ministry of Communications, Infrastructure and Housing
15. National Adoption Council

In addition to the entities listed above, the Public Defense Institute (Instituto de la Defensa Publica Penal – IDPP) also requested Project support to strengthen its UIP. Similarly, the UIP from the National Congress also requested Project support as one of the components in the MOU signed between the USG and the National Congress on September 14, 2010.

The strengthening process will be measured by indicators defined at the onset and created using the same methodology that Accion Ciudadana applied to develop the Access to Information Index for the Executive Branch.

#### Special Activity:

The above-mentioned workshop on “Transparency and Accountability: Two Sides of Public Administration” provided participants representing the Executive branch Access to Information Units, and others, with an opportunity to increase their knowledge base on specific issues such as personal data, transparency, document management, best practices and lessons learned.

For this purpose, PTI provided support to have Carlos Alberto Zapata, a professor of information systems, library sciences and archives from La Salle University, Colombia present the importance of acknowledging public records as effective instruments in the fight against corruption, in promoting transparency and encouraging accountability. (Annex F).

Table 10 summarizes the activities planned to be undertaken during next reporting periods.

**Table 10 - LLR 2.2.1 Planning for Next Quarter**

Lower-Level Result (LLR) 2.2.1: Freedom of Information (FOI) Law widely disseminated and implemented by the Executive Branch and other national institutions.												
Activities	FY 2010											
	Q1			Q2			Q3			Q4		
	O	N	D	J	F	M	A	M	J	J	A	S
Continue with the implementation of a strengthening strategy within Access of Information Units of the Executive Branch. Strengthening strategy will aim to improve UAIs in the following areas: <ul style="list-style-type: none"> <li>Organizational Structure</li> <li>Training Programs</li> <li>Processes and procedures</li> <li>Information systems</li> <li>Record management and archiving,</li> <li>Infrastructure</li> </ul>												

## LOWER-LEVEL RESULT 2.2.2: A NATIONAL ANTI-CORRUPTION BODY CREATED AND FUNCTIONING

An opportunity was provided during the December 8, 2010 workshop on “Transparency and Accountability: Two Sides to Public Administration” during which PTI provided support for the National Commission on Transparency and Anti-Corruption to publicly announce the institutionalization of a transparency body. (Annex G). One of Vice President Rafael Espada’s highest priorities has been overseeing the creation of this body<sup>10</sup>.

In support of the proposal, as well as to provide greater understanding of international best practices, PTI provided logistical, and financial support for the following consultants to attend the workshop:

- Dr. Raul Urrutia Avila, President of the Transparency Council of Chile who presented the Chilean experience in setting up and operating the Council. (Annex H)
- Ms. Cecilia Azuara, from the Federal Institute for Access to Information (IFAI in Spanish) in Mexico who presented the legal framework for the IFAI as well as some of the legal controversy surrounding the entities set up to guarantee the right to freedom of information in Mexico. (Annex I)

That same day (December 8), the National Commission on Transparency and Anti-Corruption also presented representatives from the Legislative and Executive branches with a strategy designed to develop public policy on transparency. The strategy includes proposals to promote transparency and encourage anti-corruption designed specifically for Guatemala’s current context (Annex J). The Project provided support for preparing the document by hiring Jorge Alvarado, an expert on the subject, to gather reference material for the proposal and to have his assistance in developing a final document over the next quarter.

During this reporting period, PTI provided support to prepare draft legislation for a National Archives Law that was proposed by Congresswoman Rosa Maria de Frade as legislative bill No. 4307 (Annex K)

Project consultant Ana Elisa Corado completed work on a diagnostic assessment of the archives in the Office of the Vice President. The Project considers the following items as highlights from her findings and recommendations:

1. The Office of the Vice President has an official “central archives unit.” The unit lacks sufficient personnel, appropriate equipment and furnishings and requires adequate space for operations. Consequently, not only does it lack proper document records, but it requires updating and setting up measures to ensure compliance with international standards. Recommendations include investing in the infrastructure to manage the archives as well as appointing additional staff for its proper operation.
2. The individuals responsible for creating the documentation series are primarily among the secretarial staff from each one of the administrative units in the Office of the Vice President. Although they have some general knowledge about document management, they have not been properly trained to manage and conserve archives. Recommendations include raising awareness among public officials for the need to

---

<sup>10</sup> Public statements published by the daily, Siglo XXI, on December 9, 2010 under the headline: Secretary for Transparency in 2011. See: <http://www.sigloxxi.com/nacional.php?id=25331&b=1>

provide archive and document management training to the staff producing the documentation and lay the groundwork to develop a Central Archive. (Annex L)

Project consultant, Ana Elisa Corado will develop a “Handbook on Organizing and Operating the Archives of the Office of the Vice President of Guatemala” as the second deliverable under the consulting contract.

Table 11 summarizes the activities planned to be undertaken during next reporting periods.

**Table 11 - LLR 2.2.2 Planning for Next Quarter**

Lower-Level Result (LLR) 2.2.2: A National Anticorruption Body created and functioning												
Activities	FY 2010											
	Q1			Q2			Q3			Q4		
	O	N	D	J	F	M	A	M	J	J	A	S
Continue providing technical assistance to GoG Commission for Transparency and Anti-Corruption in the coordination and development of an Anticorruption Agenda, PTI will assist the GoG Commission during the design, coordination, and discussion/negotiation phases.												
Provide technical assistance and support to develop and implement transparency measures to be adopted by Executive Branch Institutions including, but not limited to, archiving procedures.												

**LOWER-LEVEL RESULT 2.2.3: INTERNATIONAL ANTI-CORRUPTION TREATIES DISSEMINATED AND IMPLEMENTATION BY THE GOG STRENGTHENED**

Over the course of the reporting period, the Project hired Jessica Garcia as a consultant to prepare the final report on compliance with the Guatemala Declaration on a Region Free of Corruption (Annex M). The report was submitted to the Executive Secretary of the National Commission on Transparency and Anti-Corruption who expressed satisfaction with the findings. The document includes information on the agreements reached during the Regional Transparency Forum held in El Salvador on September 28-29, 2010.<sup>11</sup> The document will also be submitted to Transparency International.

Table 12 summarizes the activities planned to be undertaken during next reporting periods.

**Table12 - LLR 2.2.3 Planning for Next Quarter**

Lower-Level Result (LLR) 2.2.3: International Anticorruption Treaties disseminated and implemented by the GoG strengthened.												
Activities	FY 2010											
	Q1			Q2			Q3			Q4		
	O	N	D	J	F	M	A	M	J	J	A	S
Develop and Implement an International Anti-corruption treaties (IACC, and UNCAC) training workshop directed to Public Officials												

<sup>11</sup> See: <http://www.presidencia.gob.sv/asuntosestrategicos/noticias/item/113-concluyen-foro-regional-de-transparencia.html>





It is also worth pointing out that the Law on Asset Seizure and Confiscation (*Ley de Extincion de Dominio*, Decree 55-2010) is an important historical milestone in transparency legislation. Not only is it specialized legislation, but it also includes the following regulations:

- **Article 71** includes reforms to Article 108 on share or stockholder certificates made out to “bearer” based on the Guatemalan Code of Commerce, Congressional Decree No. 2-70, which now reads as follows:

**Article 108. Share Certificates.** Certificates should be made out in the name of an individual. Those corporations established prior to the date this Law comes into effect and whose bylaws enable them to issue certificates made out to the bearer and who have been authorized to issue further stock should do so only in the name of a specific individual.

- **Article 72.** Reforms Article 195, Limited Partnership Companies or Public Partnership Corporations, Guatemala Code of Commerce, Congressional Decree No. 2-70, which now reads as follows:

**Article 195. Shares in Limited Partnership Companies or Partnership Corporations** are those in which one or more partners have subsidiary, unlimited or associated responsibility for the social obligations and one or more partners have limited responsibility for the amount of stock that has been issued in a manner similar to that of a corporation.

Contributions to capital are represented by shares, which must be made out to an individual.

“Partnership companies based on shares issued prior to the Law coming into effect and whose bylaws enable them to issue certificates made out to the bearer and who have been authorized to issue further stock should do so only in the name of a specific individual.

- **Article 73.** reforms Article 204 for corporations issuing stock, based on the Guatemala Code of Commerce, Congressional Decree No. 2-70, which now reads as follows:

**Article 204. Corporations issuing stock** can agree to increase capital contributions by issuing additional shares or by increasing the nominal value of current certificates. In either case, the certificates must be made out in the name of an individual.

Issuing, subscribing or paying for stock or shares within the limits of the authorized capital will be regulated by the bylaws in effect. In every case, issuing stock or shares must only be made in the name of an individual.

- **Article 74. Temporary.** A time limit of two (2) years to begin when the Law comes into effect is allowed for limited share partnerships and corporations that are regulated by the Guatemala Code of Commerce, Congressional Decree No. 2-70, that have issued certificates to the bearer prior to the Law coming into effect must replace said certificates with certificates made out in the name of an individual.

This set of regulations responds directly to the Caribbean Action Task Force (CFATF) <sup>12</sup> requirements.

The Guatemala Studies Center (CEG), as well as other Civil Society Organizations lobbied in favor of adopting the measures. CEG is also the beneficiary of a PTI grant. Approval of the law was widely applauded by public opinion shapers and is a significant step in the fight against corruption. It is worth mentioning that this legislation made excellent use of an opportunity to introduce legal regulations based on transparency and anti corruption when designing and debating legislation with a broader scope.

#### **LOWER-LEVEL RESULT 2.3.1: REGULATORY FRAMEWORK AND AD HOC LEGISLATION TO COMBAT CORRUPTION IS PROMOTED BY THE CONGRESS IN PERFORMING ITS OVERSIGHT ROLE**

As described earlier under LLR 2.1.1, the Center for Guatemala Studies has pre-selected the following legislative bills addressing transparency issues and will support the Congressional Transparency Committee in seeing them passed.

1. **Law on Illicit Enrichment:** in order to comply with regulations stemming from Guatemala's ratification of the United Nations Convention Against Corruption as well as from the Inter-American Convention Against Corruption, Guatemala must define additional crimes that include illicit enrichment, among others.
2. **Law on Non-Government Organizations:** attempts to regulate the practice of diverting State funding to non-government organizations in order to avoid national procurement and contracting regulations. This legislation is key in regard to ensuring transparency in the use of public funds.
3. **Law on Public Trust Funds:** dating back to the 1990s, a number of public entities opted to use a trust fund mechanism, regulated by banking legislation, to avoid compliance with national procurement and contracting regulations.
4. **Law on Archives:** in light of the fact that Congressional Decree No. 1768 is obsolete and overtaken by events, the Law on Access to Public Information regulates a new system for national archives and is considered essential to promote appropriate legislation and replace outdated regulations.

In coordination with the members of Congress that are currently proposing the legislation described above, the CEG is developing an advocacy strategy to ensure their passage.

As part of the Memorandum of Understanding between the USG and the National Congress, a letter signed by the President of the Congress on November 29, 2010 requests PTI support for capacity building among Congressional staff to organize and ensure conservation of their documentation as mandated by the Law on Access to Public Information. The Project is providing assistance to draft the terms of reference to request

---

<sup>12</sup> See: Guatemala Mutual Evaluation Report 2010. Anti-money laundering and combating the financing of terrorism (AML/CFT). November 4, 2010. Paragraphs 44-47. Caribbean Financial Action Task Force (CFATF).

proposals from organizations specializing in archive management and PTI remains in constant communication with the Office of the President of Congress to coordinate progress.

Table 14 summarizes the activities planned to be undertaken during next reporting periods.

**Table 14 - LLR 2.3.1 Planning for Next Quarter**

<b>Lower-Level Result (LLR) 2.3.1: Regulatory framework and ad hoc legislation to combat corruption is promoted by the Congress in performing its oversight role.</b>												
<b>Activities</b>	<b>FY 2011</b>											
	<b>Q1</b>			<b>Q2</b>			<b>Q3</b>			<b>Q4</b>		
	<b>O</b>	<b>N</b>	<b>D</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A</b>	<b>S</b>
Evaluate and design technical assistance project to strengthen Congress Archiving and Record Administration practices.												
Continue work with members of Congress championing transparency and anticorruption legislation to set the agenda on the matter and to establish alliances with the Executive Branch, CICIG, media, private sector, CSOs, and other key stakeholders. This will include public advocacy, workshops, and development of short papers (White papers), among others.												

**LOWER-LEVEL RESULT 2.3.2: MECHANISMS TO PURSUE CORRUPTION CASES ARE ESTABLISHED AND FUNCTIONING IN THE ANTI-CORRUPTION UNIT OF THE ATTORNEY GENERAL'S OFFICE**

A description is provided below of the specific activities described in the Work Plan and carried out under this LLR. The activities fall into three large categories, as follows:

- technical assistance for specific issues;
- training, and
- institutional strengthening activities.

***Technical assistance for specific issues***

As described in the previous quarterly report and based on the technical assistance provided to the Anti-Corruption Prosecutor Unit, particularly as it pertains to the application of Public Ministry General Instruction No. 01-2006, the Project consultant began analyzing the cases that have been previously identified in a number of Athletic Federations suspected of criminal behavior and seeks to detect any patterns that may reveal the existence of more complex or interrelated criminal structures.

Each case file will be analyzed based on the following:

- a) the individuals who may be potentially active perpetrators suspected of criminal conduct;
- b) the individuals or entities that are victims of the active perpetrator(s) of criminal conduct;
- c) the crimes the Public Ministry suspects were committed;
- d) the manner in which the crime was carried out, the method applied and what mechanisms were used to detect criminal activity;
- e) the time period during which the crime(s) were committed, and
- f) the possible motives to commit the crime(s).

The analytical process described above will allow the authorities to identify any links among the possible crimes and any and all alleged perpetrators. Initially, however, none of the cases that have been analyzed have led to identifying criminal structures or patterns and it appears that each one is an isolated case.

***Training***

Training activities over the current quarter include the design, review and approval of the Training Plan for the Public Ministry Prosecutor Unit on Administrative Crimes. (Annex N)

The Plan has the overall objective of increasing the knowledge base of the personnel from the Prosecutor Unit on Administrative Crimes in the subjects of criminal prosecution legislation and criminal substantive law, as well as in the design and implementation of criminal investigation strategies within the Unit. More specifically, the Plan will build capacity in the following areas:

- a) Theoretical and practical aspects of criminal science applied to criminal conduct by public officials;
- b) Criminal investigation methodology focused on designing and implementing crime theories and investigative approaches in cases where crimes have been committed by public officials;
- c) General overview and practical applications of criminal intelligence analysis and case graphing;
- d) The commitments assumed by the State of Guatemala in ratifying the United Nations Convention Against Transnational Organized Crime;
- e) Based on a strict interpretation of criminal theory, consider the specific crimes defined in the Law Against Organized Crime, as follows:
  - i. Conspiracy
  - ii. Collusion
  - iii. Illegal gatherings of armed individuals
  - iv. Training for illicit activities
  - v. Illegal use of uniforms and badges
  - vi. Trading in vehicles stolen either domestically or internationally
  - vii. Obstruction of justice
  - viii. Intimidation and extortion(The term applies to public authorities using intimidation for graft and extortion)
  - ix. Extortive obstruction of traffic (The term applies to the use of public demonstrations or rioting with specific intent to impede the flow of vehicular and/or pedestrian traffic in order to exert pressure or force compliance).
- f) Design regulations and practical applications of special investigative methods described in the Law Against Organized Crime with special emphasis on turning state's evidence (*colaborador eficaz* in Spanish).
- g) Both theoretical and practical aspects of constitutional appeals and legal unconstitutionality.

The Plan was submitted to Elvira Noemi Iquique Lopez, Director of the Prosecutor Unit on Administrative Crime for her review and subsequent approval as stated in her letter to the Project dated December 20, 2010. Her letter also requested PTI assistance to implement the Plan. (Annex O).

The Project expects to begin the training activities covered the Plan during the first quarter in 2011.

During the reporting period, PTI contracted two consultants, Oscar Poroj and Luis Felipe Saenz, who will work with the Anti-corruption Prosecutor Unit to develop specific training modules. The first consultant specializes in special motions and criminal appeals, while the latter will address banking procedures and recovery of assets.

PTI plans to have received the completed programs and implement the training during the first quarter in 2011.

### ***Activities to Promote Institutional Strengthening***

#### **Diagnostic Assessment of the Prosecutor Units for Administrative Crimes and Against Corruption.**

Once the process was completed to gather the data and analyze information, consultants Marly Vasquez and Rodrigo Gutierrez proceeded to draft their respective assessments on both prosecutor units. The assessments were submitted and discussed with Carlos Paz, a PTI team member who is an expert on public sector reform. He provided a number of recommendations that will be incorporated.

The Project expects that the final reports on the diagnostic assessments will be completed shortly and the recommendations will be implemented over the next quarter.

**Analytical software in the Anti-corruption Prosecutor Unit.** Software being develop by expert Julio Quintana to simplify the use of Criminal Investigation Methodology (General Instruction 01-2006) is currently being tested for ease of use and effective information fields. The system will be able to display the following information:

- bank accounts registered in the name of the individual being investigated;
- real estate or other assets registered in the name of the individual being investigated;
- shares or stock issued in the name of the individuals as owner, partner, manager or legal representative;
- any emigration or immigration;
- any lawsuits or legal proceedings filed against the individual;
- credit or debit cards issued to the individual;
- close friends or family;
- work experience and social ties, and
- membership in social clubs or sports facilities.

**Improvements to the Public Ministry Information System (SICOMP 2).** Another component in strengthening the Anti-corruption Prosecutor Unit lies in building capacity in criminal investigation. The Project has been working with the IT Department at the Public Ministry (SICOMP in Spanish) to upgrade the current software being used by the Unit. The upgraded software is known as SICOMP2 and has been modified in response to certain suggestions provided by the Project to improve processes for collecting relevant data. The suggestions made by PTI are a result of the earlier process to develop IT tools and analytical software described in the previous section.

As a result of Project efforts through the SICOMP Department, the decision was made to provide the Anti-corruption Prosecutor Unit with the upgraded SICOMP2 software. This Unit will be the first of the specialized prosecutor units to have the upgrade. The transition to the new program began in December and included training the Unit staff to use the improved program.

Table 15 summarizes the activities planned to be undertaken during next reporting periods.

**Table 15- LLR 2.3.2 Planning for Next Quarter**

<b>Lower-Level Result (LLR) 2.3.2: Mechanisms to pursue corruption cases are established and functioning in the Anti-Corruption Unit of the Attorney General's Office.</b>												
<b>Activities</b>	<b>FY 2011</b>											
	<b>Q1</b>			<b>Q2</b>			<b>Q3</b>			<b>Q4</b>		
	<b>O</b>	<b>N</b>	<b>D</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A</b>	<b>S</b>
Continue providing technical assistance to specific cases being worked on by the Anticorruption Unit and the Administrative Felonies Unit, in order to apply the implementation of "General Instruction 01.2006", which contains the Criminal Investigation Methodology.												

Lower-Level Result (LLR) 2.3.2: Mechanisms to pursue corruption cases are established and functioning in the Anti-Corruption Unit of the Attorney General's Office.												
Activities	FY 2011											
	Q1			Q2			Q3			Q4		
	O	N	D	J	F	M	A	M	J	J	A	S
Complete diagnostic to determine strengths and weakness of both the ACU and AFU in order to develop and implement strategy/action plan to strengthen the ACU and AFU.												
Continue providing technical assistance and support in the development of software to simplify the use of Criminal Investigation Methodology.												
Carry out procurement process for the acquisition of Analyst's Notebook 8.5 software licenses, and training program.												
Continue developing and implementing pending training modules for the Anticorruption Unit.												
Develop and implement a training program for the Administrative Felonies Unit.												
Continue identifying and developing measures for institutional strengthening.												

**LOWER-LEVEL RESULT 2.3.3: OFFICE OF THE COMPTROLLER GENERAL (CGC ) IMPROVES ITS PERFORMANCE IN SELECTED AREAS OF INTERVENTION.**

Given the fact that the current reporting period coincided with the process to elect a new Comptroller General, both the World Bank and PTI awaited the conclusion of the process in order to begin the paperwork required by the World Bank to design the diagnostic assessment as reported in the previous quarter.

Table 15 summarizes the activities planned to be undertaken during next reporting periods.

**Table 15 - LLR 2.3.3 Planning for Next Quarter**

Lower-Level Result (LLR) 2.3.3: Controller General Office improves its performance in selected areas of intervention.												
Activities	FY 2011											
	Q1			Q2			Q3			Q4		
	O	N	D	J	F	M	A	M	J	J	A	S
Explore opportunities to provide technical assistance and support to the Comptroller General's office in order to improve performance.												
Design an interagency strategy to strengthen coordination activities between the Public Ministry and the CGO that results in a more efficient handling of corruption cases and will thereby strengthen forensic auditing actions in Guatemala.												

### 1.2.4 SUB IR 2.4: A MORE TRANSPARENT POLITICAL PARTY FINANCING SYSTEM ESTABLISHED AND WORKING

In November, the consultant had begun work on the evaluation of the mail delivery process to send voting booth results to the electoral audit center and has now been developing the mail delivery handbook for the process as well as the design specifications for the mail delivery software (*Correo Propio* in Spanish). This activity is expected to conclude in February. In addition, the Project designed the terms of reference and requirements to hire a consultant to write the *Correo Propio* software and the individual will be selected to begin work in January. As a result of those two activities, the Project will assist in providing training for the Supreme Electoral Tribunal (TSE) officials in how to apply both the *Correo Propio* Handbook and use the new software.

Based on the importance of optimizing the technical assistance and resources provided to the TSE by the USAID Election Project being implemented by the International Foundation for Electoral System (IFES), PTI set up a coordinating mechanism between both projects. The coordinating mechanism allows for close communication and coordination to share information on activities from both projects with TSE, particularly those concerning the Electoral Audit process. As part of this coordination, PTI shared the needs assessment that was prepared for the Electoral Audit.

Table 16 summarizes the activities planned to be undertaken during next reporting periods.

**Table 16 - Planning for Next Quarter for LLR 2.4**

Lower-Level Result (LLR) 2.4: A more transparent political party financing system established and working.												
Activities	FY 2011											
	Q1			Q2			Q3			Q4		
	O	N	D	J	F	M	A	M	J	J	A	S
Continue with the development of a procedural manual for the Mail Delivery (process by which election results are sent by election centers to the electoral audit).												

## 1.3 SPECIAL ACTIVITIES:

### DONORS TABLE IN THE AREA OF TRANSPARENCY CHAIRED BY USAID

PTI continued to coordinate, participate, and provide technical assistance to the Donors Table on Transparency that is chaired by USAID. (Annex P)



## **TWO-WAY AUDIT OF: A) CITIZEN'S INFORMATION WHO HAVE BEEN ISSUED A PERSONAL NATIONAL IDENTITY DOCUMENT (DPI) BY THE NATIONAL REGISTRY OF PERSONS (RENAP) AND HAVE BEEN REGISTERED IN THE GUATEMALAN VOTER REGISTRY, AND B) RENAP'S NATIONAL LIST OF PERSONAL IDENTITY DOCUMENTS TO DETERMINE THE QUALITY OF THE DATA IN ORDER TO GUARANTEE TRANSPARENT, FAIR AND FREE ELECTIONS.**

On October 28, 2010, PTI initiated procurement process to contract *Facultad Latinoamericana de Ciencias Sociales* (FLACSO, Spanish acronym) to conduct a Two-way audit of: a) citizen's information who have been issued a Personal National Identity Document (DPI) by the National Registry of Persons (RENAP) and have been registered in the Guatemalan Voter Registry, and b) RENAP's National list of Personal Identity Documents to determine the quality of the data in order to guarantee transparent, fair and free elections. On December 17, 2010 subcontract was awarded.

The two-way audit will focus on improving the institutional performance and increase transparency and accountability. It will also guarantee a legitimate and updated Citizen Registry which is a key factor not just for the 2011 General Election, but also to provide Guatemalans with confidence in the identification process.

FLACSO is expected to apply of the Two-way methodology which, according with NDI: "entails selecting a national random sample of names and addresses of persons on the voter registration list and contacting those people in the field; as a second step contacting a random sample of eligible voters on the street, determining what proportion of these people are on the final voter registration list. The reliability of the voter registration list would be ascertained by confirming the identity and addresses of the people in the sample. A systematic analysis of data from both of these activities would provide answers to critical questions: Does the official final voter registration list include all eligible voters? By how much does the official list fall short? Are there particular segments of the population that are omitted from the list? Are there names on the list that should not be on the list?"

The contractor is expected to sign a letter of understanding (LOU) with RENAP to serve as basis for the conduction of the two-way audit of the Civil Registry. The LOU shall contain the terms and conditions of such audit.

## **PRESIDENTIAL COMMISSION AGAINST MONEY AND OTHER ASSET LAUNDERING AND TERRORISM FINANCING IN GUATEMALA.**

Presidential Decree No. 132-2010 dated May 6, 2010, officially created the Presidential Commission Against Money and other Asset Laundering and Terrorism Financing in Guatemala, heretofore referred to as the Commission, which includes the following members:

- Vice President of Guatemala, presides and coordinates;
- Minister of Foreign Relations;
- Minister of the Interior;
- Secretary of Strategic Intelligence for the President;
- General Director of Civilian Intelligence;
- Superintendent for Tax Administration, and
- Bank Superintendent.

Because of certain legal and regulatory restrictions, the following members are on the Commission as invited guests: the Chief Justice of the Supreme Court; the Attorney General and any other individuals that the Commission may chose to include.

The Commission is responsible for coordinating activities and ensuring inter-agency cooperation to prevent, control, oversee and sanction any crimes involving money or other asset laundering as well as financing terrorism and to ensure full support and compliance with legislation in effect.

The Commission Coordinator, Vice President Espada, requested PTI to provide financial assistance to hire a consultant for the strategic planning process as well as to develop a risk assessment in regard to money and asset laundering. Over the reporting period, the Project developed the terms of reference and began the process to select and hire the consultant to begin work next quarter.

## **MCC INDICATORS**

As indicated by the Democracy and Governance Office (DGO), the Mission will coordinate all activities related to Millennium Challenge Corporation (MCC) Indicators.

## 2.0 SUB-GRANT PROGRAM

The sub-grants program was established to advance activities that lead to the achievement of LLRs. The total amount of the sub-grant component is US \$754,898.00. To date, eight sub-grants have been awarded for US\$537,607.76 to local CSOs. The main objective of funding these activities is to empower Guatemalan citizens to make positive changes in their communities and raise citizens' awareness of efforts to combat corruption and promote transparency. Please refer to **Section 2, under LLR 2.1: “Citizens Better informed and capable to oversee and fight against corruption”** to find summary of major activities carried out under the grants component during this reporting period.

No.	Organization	Objective	Status	Monto Q	Award Exchange Rate	US\$	Executed as of 12/31/10	Remaining as of 12/31/10
1	Acción Ciudadana	Access to Information	awarded	Q819,953.51	8.2	\$99,994.33	\$97,419.91	\$2,574.42
2	Fundación DESC	Corruption Networks Diagnosis /	awarded	Q370,575.98	8.25	\$34,490.76	\$34,490.76	\$0.00
3	Pro Justicia	Attorney General Election Process	awarded	Q615,000.00	8.2	\$70,308.02	\$70,308.02	\$0.00
4	CEG	Transparency Legislative Agenda	awarded	Q607,435.00	7.9	\$76,890.51	\$6,833.02	\$70,057.49
5	Acción Ciudadana	2010 Access to Information Index	awarded	Q242,099.71	7.9	\$30,645.53	\$22,938.37	\$7,707.16
6	Acción Ciudadana	ICAC Shadow Report	awarded	Q553,903.12	7.9	\$27,772.31	\$27,772.31	\$0.00
7	Pro Justicia	AG and CG Election Processes	awarded	Q780,149.85	7.9	\$98,753.15	\$18,938.42	\$79,814.73
8	Vital Voices	Political Mentorship	awarded	Q780,149.85	7.9	\$98,753.15	\$5,297.73	\$93,455.42

## 3.0 RAPID RESPONSE FUND

PTI Rapid Response Fund (RRF) mechanism is designed as a flexible tool to provide technical assistance, training, and commodities in response to unanticipated opportunities and/or crises, which impact PTI implementation throughout the life of the project. The RRF will provide targeted in-kind and financial support.

As stipulated in the Mission Statement, all activities to be financed by the RRF must contribute to the achievement of the objectives of the program as specified in the Sub-Intermediate Results (Sub-IRs) and serve to strengthen the inter-institutional relationship of program stakeholders. The total amount of the RRF component is US \$220,000.00.

Please refer to **Section 2** to find the detailed description of awards that were active during the reporting period.

To date, two awards have been granted for a total amount of US\$112,697.63.

- RRF 001: Movimiento Pro Justicia to carry out monitoring and advocacy activities related to the second election of the Public Defense Institute Director.**

In Kind Award			001		
Executing Organization			Movimiento Pro Justicia		
Starting Date			May 3, 2010		
Finalizing Date			TBD		
Geographical Coverage					
Percentage of Execution as of 12/31/2010			80.88		
Date			Exchange Rate		
	Total Amount Award		8.00		\$15,687.50
Expenses to date	May 31, 2010	Q0.00	7.90	\$0.00	\$15,687.50
Expenses to date	June 30, 2010	Q2,601.07	7.97	\$326.36	\$15,361.14
	July 31, 2010	Q8,438.02	7.93	\$1,064.06	\$14,297.08
	August 31, 2010	Q41,861.12	7.95	\$5,265.55	\$9,031.53
	September 30, 2010	Q32,487.63	8.03	\$4,045.97	\$4,985.56
	October 31, 2010	Q8,056.47	8.07	\$998.33	\$3,987.23
	December 31, 2010	Q8,056.47	7.96	\$1,012.12	\$2,975.11
	Balance				<b>\$2,975.11</b>

2. RRF 002: FLACSO to conduct a Two-way audit of: a) citizen's information who have been issued a Personal National Identity Document (DPI) by the National Registry of Persons (RENAP) and have been registered in the Guatemalan Voter Registry, and; b) RENAP's National list of Personal Identity Documents to determine the quality of the data in order to guarantee transparent, fair and free elections.

In Kind Award			002
Executing Organization			FLACSO
Starting Date			December 16, 2010
Finalizing Date			February 11, 2011
Geographical Coverage			TBD
Percentage of Execution as of 12/31/2010			0.00
Date		Exchange Rate	
	Total Amount Award	7.90	\$97,010.13
	Balance		<b>\$97,010.13</b>

## 4.0 GENDER SECTION

There were no specific activities planned and/or carried out under any Sub-IR or LLR for this crosscutting theme during this quarter..

# 5.0 TRAINING

## 5.1 GOVERNMENT OFFICIALS

<b>Element:</b>		GJD 2.4 - Anti-corruption Reforms				
<b>Indicator Title:</b>		Number of Government Officials receiving USG supported anti-corruption training.				
<b>Definition:</b>		People must be from government. Training refers to all training or educational events whether short-term or long-term, in country or abroad.				
<b>Training Event</b>						
01	<b>Name of Training Program</b>	14 <sup>th</sup> International Anti-Corruption Conference				
	<b>Field of Study</b>	Transparency and Anticorruption/Anti Corruption Conventions.				
	<b>Relationship to T.O. Objectives</b>	Lower-Level Result 2.2.3: International Anti-corruption Treaties disseminated and implementation by the GoG strengthened.				
	<b>Offered By:</b>	Transparency International				
	<b>Directed To:</b>	Public Officials, civil society representatives and private sector.				
	<b>Start Dates:</b>	November 10	<b>End Date:</b>	November 13	<b>Total No. of Training hrs.</b>	20
	<b>Total No. of Participants</b>	1	<b>No. of Male Participants</b>	0	<b>No. of Female Participants</b>	1
	<b>Estimated Cost</b>	Q 40,882.34 (US\$)5,148.91 *exchange rate 7.94			<b>Estimated Cost p/person</b>	Q 40,882.34 (US\$)5,148.91 *exchange rate 7.94

## 5.2 PEOPLE AFFILIATED WITH NON – GOVERNMENTAL ORGANIZATIONS

<b>Element:</b>	GJD 2.4 - Anti-corruption Reforms					
<b>Indicator Title:</b>	Number of people affiliated with non-governmental organizations receiving USG supported anti-corruption training.					
<b>Definition:</b>	People may not be from government. Training refers to all training or educational events whether short-term or long-term, in country or abroad.					
<b>Training Event</b>						
02	<b>Name of Training Program</b>	Law of Access to Public Information in Guatemala				
	<b>Field of Study</b>	Access to Public Information.				
	<b>Relationship to T.O. Objectives</b>	LLR. 2.1.1 Increase and strengthen participation of Civil Society Organizations in watchdog activities and oversight of public resources and functions of public authorities.				
	<b>Offered By:</b>	Acción Ciudadana				
	<b>Directed To:</b>	Civil society organizations that perform watchdog activities.				
	<b>Start Dates:</b>	October 1st	<b>End Date:</b>	December 30th	<b>Total No. of Training hrs.</b>	4 to 8 hrs.
	<b>Total No. of Participants</b>	128	<b>No. of Male Participants</b>	93	<b>No. of Female Participants</b>	35
	<b>Estimated Cost</b>	Q 9,695.66 (US\$1,221.11) *exchange rate 7.94			<b>Estimated Cost per person</b>	Q 75.74 (US\$9.54) *exchange rate 7.94



<b>Element:</b>		GJD 2.4 - Anti-corruption Reforms				
<b>Indicator Title:</b>		Number of people affiliated with non-governmental organizations receiving USG supported anti-corruption training.				
<b>Definition:</b>		People may not be from government. Training refers to all training or educational events whether short-term or long-term, in country or abroad.				
<b>Training Event</b>						
03	<b>Name of Training Program</b>	14 <sup>th</sup> International Anti-Corruption Conference				
	<b>Field of Study</b>	Transparency and Anticorruption				
	<b>Relationship to T.O. Objectives</b>	LLR. 2.1.1 Increase and strengthen participation of Civil Society Organizations in watchdog activities and oversight of public resources and functions of public authorities.				
	<b>Offered By:</b>	Transparency International				
	<b>Directed To:</b>	Public Officials, civil society representatives and private sector.				
	<b>Start Dates:</b>	November 10	<b>End Date:</b>	November 13	<b>Total No. of Training hrs.</b>	20 hrs.
	<b>Total No. of Participants</b>	3	<b>No. of Male Participants</b>	2	<b>No. of Female Participants</b>	1
	<b>Estimated Cost</b>	Q 122,647.04 (US\$) 15,446.73 *exchange rate 7.94		<b>Estimated Cost per person</b>	Q 40,882.34 (US\$)5,148.91 *exchange rate 7.94	

## 6.0 SHORT-TERM TECHNICAL ASSISTANCE

### 6.1 SHORT-TERM TECHNICAL ASSISTANCE (CONSULTANTS)

Consultant/Specialist	Description of Consultancy/Technical Assistance	Date
María Isabel Bonilla	Conduct assessment to identify, map, and group existing mechanisms/units within the Executive Branch that pursue allegations of corruption according to their typology and develop a generic guideline for designing a technical assistance program to strengthen selected mechanisms/units.	September 7, 2010 – January 7, 2011
Ruth Hernandez		September 7, 2010 – January 7, 2011
Rebecca Kronick	Support in reporting obligations, grant management and RRF administration.	September 22, 2010 – July 31, 2011
Ana Eliza Corado	Study the archiving and recordkeeping situation in the Vice-Presidency, develop a recordkeeping policies and procedures manual, assist the Vice-Presidency in the implementation of the procedures manual in reference.	September 20, 2010 – July 31, 2011
Jessica María García Kihn	Development of an Implementation Report for the Guatemala Declaration for a Region Free of Corruption.	November 8 – 19, 2010
Maria de los Angeles Monzón	Implementation of a reflection circle for columnists, and actualization program for journalists to promote Transparency and Anticorruption matters vis a vis current political situation in Guatemala.	November 9, 2010 – July 31, 2011
Alejandro Sanchez Garrido	To provide support and assistance to the Congress of the Republic of Guatemala.	November 12, 2010 – July 31, 2011
Jorge Alvarado	Assist the GoG Commission for Transparency and the fight against corruption in the preparation of a Transparency Policy.	November 12, 2010 – February 4, 2011

Consultant/Specialist	Description of Consultancy/Technical Assistance	Date
Oscar Poroj	Design and implement a training module on appeal process according to Guatemala's legislation for the Anticorruption Unit of the Attorney	November 15, 2010 – January 20, 2011

	General's Office	
Luis Felipe Saenz	Design and implement a training module in banking procedures, and asset identification and recuperation according to Guatemala's legislation for the Anticorruption Unit of the Attorney General's Office.	November 15, 2010 – February 9, 2011
Mario Chavez	Assist the Audit Unit of the Supreme Electoral Tribunal (TSE) in developing a procedural manual for the Mail Delivery	November 30, 2010 – February 4, 2011

## 6.2 SHORT-TERM TECHNICAL ASSISTANCE / INTERNATIONAL SUBCONTRACTS (CONSULTANTS)

Consultant/Specialist	Description of Consultancy/Technical Assistance	Date
Rodrigo Gutierrez Godinez under DPK	Diagnosis and development of strengthening plan for the Anti-Corruption Unit of the Attorney General's Office	July 5 – September 30, 2010
Marly Catalina Vasquez Ventura under DPK	Diagnosis and development of strengthening plan for the Office of Administrative Felonies Unit of the Attorney General's Office	July 5 – September 30, 2010
Julio Antonio Quintana under DPK	Software for collecting criminal intelligence and analysis, to strengthen the investigation of crimes of corruption	July 5, 2010 – January 15, 2011

## 6.3 SHORT-TERM TECHNICAL ASSISTANCE (HOME OFFICE)

Consultant/Specialist	Description of Consultancy/Technical Assistance	Date
Antonio Iskandar	Provide Technical Assistance to PTI	December 1 -10, 2010

# 7.0 MONITORING AND EVALUATION EFFORTS

**Indicator:** Guatemala's percent change on the Transparency International (TI) Corruption Perception Index (CPI) (Context Indicator).

Baseline Value	Y2 FY11 (Oct 2010 - July 2011)		VARIANCE	DEFINITION/COMMENTS
Baseline YR	Target	Actual	Y2	
3.4 (2009)	3.5	3.2	-.3	<b>DEFINITION:</b>
				Degree to which corruption is perceived to exist in society. Transparency International's (TI) Corruption Perception Index (CPI) ranks countries by their perceived levels of corruption, as determined by expert assessments and opinion surveys. A higher score on a scale from 0 to 10 means less (perceived) corruption.
				<b>COMMENTS:</b>
				This is a context indicator about which the PTI will report in its M&E Annual Report, but for which the Project cannot be held directly accountable due to the large number of factors besides USAID Guatemala assistance which affect the corresponding performance and score reported by each source. Transparency International's (TI) Corruption Perception Index (CPI) was first released in 1995. Baseline for this exercise will be the 2009 Score of 3.4 points over a maximum of 10. Transparency International Corruption Perception Index methodology does not establish yearly target scores; the methodology only provides yearly actual scores. In order to be consistent with USAID's criteria of establishing Performing targets to measure commitments to focus on a result, a target of 3.5 points was determined. Although a modest increase, it does represent a positive change in expected transparency performance of GoG. Annual Scores reflect country data from a given calendar year, not necessarily equal to USAID fiscal year.

On October 26, 2010 Transparency International launched the 2010 Corruption Perceptions Index (CPI)<sup>13</sup>, a measure of domestic, public sector corruption. The 2010 CPI measures the degree to which public sector corruption is perceived to exist in 178 countries around the world. It scores countries on a scale from 10 (very clean) to 0 (highly corrupt).

Transparency International's Corruptions Perceptions Index (TI-CPI) is an aggregate indicator that ranks countries according to the degree to which corruption is perceived to exist among public officials and politicians. It is a composite index drawing on corruption-related data by a variety of independent and reputable institutions. The Corruption Perceptions Index (CPI) measures the perceived levels of public sector corruption in 178 countries and territories, covering two countries fewer than last year's edition.

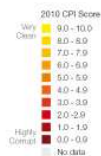
<sup>13</sup> CPI information was extracted from Transparency International's web page, Corruption Perception Index information section [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/press#kits](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/press#kits)

The 2010 CPI shows that nearly three quarters of the 178 countries in the index score below five, on a scale from 0 (perceived to be highly corrupt) to 10 (perceived to have low levels of corruption), indicating a serious corruption problem. The 2010 results are drawn from 13 surveys and assessments published between January 2009 and September 2010.

Given its methodology, the CPI is not a tool that is suitable for trend analysis or for monitoring changes in the perceived levels of corruption over time for all countries. Year-to-year changes in a country/territory's score can result from a change in the perceptions of a country's performance, a change in the ranking provided by original sources or changes in the methodology resulting from TI's efforts to improve the index.

Guatemala scored 3.2 decreasing .3 points from 2009 3.4 score.

**THE 2010 CORRUPTION  
PERCEPTIONS INDEX  
MEASURES THE  
PERCEIVED LEVELS  
OF PUBLIC-SECTOR  
CORRUPTION IN  
178 COUNTRIES  
AROUND THE WORLD**



[www.transparency.org](http://www.transparency.org)



©2010 Transparency International. All rights reserved.

## SUB IR 2.1

### LLR 2.1.1 – Increase and strengthen participation of Civil Society Organizations in watchdog and social auditing activities and oversight of public resources and functions of public authorities.

**Indicator:** Number of People affiliated with non-governmental organizations receiving USG supported anti-corruption training. (USG FACTS – GJD 2.4 “F” List indicator).

Baseline Value	Y2 FY11 (Oct 2010 - July 2011)		VARIANCE	DEFINITION/COMMENTS
Baseline YR	Target	Actual	Y2	
1634 (2008)	500 250W/250M	131 36W/95M		<b>DEFINITION:</b>  Persons may not be from government. Training refers to all training or education events, whether short-term or long-term, in country or abroad. Data will be disaggregated by Gender.  <b>COMMENTS:</b>  USG FACTS - GJD 2.4 "F" List indicator. FY2009 Baseline is established in 1,634 (726 F908 M). Baseline data corresponds to achieved outputs for FY2009 under former USAID Guatemala Transparency and Anticorruption Program (contract DFD-1-03-03-00139-00).

#### 1. Law of Access to Information. – 128 people receiving anticorruption training.

Implementing partner, Acción Ciudadana, trained 128 people on the content of the Law on Access to Public Information, responding to the need to raise public demand for information from public institutions. The training used a participatory methodology comprised of 16 hours of readings, lectures and hands-on activities meant to facilitate both understanding of key concepts and application of new knowledge. As a final element of the training, participants completed draft requests for information for use in their communities of origin. According to Acción Ciudadana’s training reports the training sessions resulted in 70 draft requests for information, which have been used as key inputs in ongoing social auditing activities. This demonstrates the application of acquired knowledge.

#### 2. 14th International Anticorruption Conference (IACC) – 3 Civil Society representatives receiving anticorruption training.

Transparency International’s 14th International Anti-Corruption Conference (IACC) was held in Bangkok, Thailand from November 10-13, 2010. PTI provided support for the participation of four representatives from Guatemala: Ms. Alma Aguilar, Mr. Emanuel Callejas, Mr. Francisco Viau and, Congresswoman Rosa Maria de Frade. The IACC is considered the principal world forum gathering heads of state, government representatives, civil society, academia, journalists and private sector representatives to discuss and analyze solutions to the problems presented by corruption.

Throughout the plenary sessions and discussion groups, the conference provided participants with updated information on transparency and new tendencies in corruption. In addition, participants had opportunities to

learn about corruption in terms of climate change and in compliance with the Millennium Goals. The main objective of the conference was to develop strategies to overcome the effects of corruption that may permeate every possible environment.

One of the key outcomes of the conference was the “Bangkok Declaration: Restoring Trust” which confirms the IACC’s relevance in fostering debate on the global challenges in facing corruption and in defining an action plan to combat it.

# 8.0 SPECIAL REPORTING

## 8.1 ADMINISTRATIVE ISSUES

Alberto Morales Escobar was hired to substitute Winfred Peña.

## 8.2 ENVIRONMENTAL REGULATIONS

There will be no impact on the environment under this project. The scope of work of the project is mainly technical assistance and training.

## 8.3 “KEY ISSUES” REPORTING

The PTI has been requested to report on the following three key Issues:

### Anticorruption

*This Key Issue cuts across all Functional Objectives and relates to activities that discourage corrupt practices by promoting transparency and accountability in the use of public resources and authority. These activities may be carried out in any or all development sectors. Preventive reforms and enforcement measures targeting government (e.g., procurement, financial management, and auditing functions; transparent budgeting and budget tracking; regulatory reform; merit - based civil service reforms and asset declaration for public authorities; freedom of information; transparency in the management of extractive and natural resources; electoral processes and financing issues; anticorruption authorities; and judicial processes), as well as building monitoring, advocacy, and oversight capacity in civil society organizations, legislatures, academia, the press, and the private sector should be included.*

### Media

*This Key Issue cuts across all Functional Objectives. “Mass Media Outreach Activities” use mass media (newspapers, magazines, radio, television, Internet, text messaging, and/or other media) to disseminate information about any Objective, Program Area, or Program Element (e.g., health or education) typically involving the production of media materials and purchase of broadcast airtime, newspaper column space, and/or web pages. Ideally, media outreach activities may also include some parallel media capacity building (often called ‘media as an end’ activities) in order to enhance the future self - sustainability of the media message campaign by partner media outlets after funding for the media message campaign comes to an end. Examples of media outreach activities include media campaigns to increase public awareness about HIV/AIDS, Avian Influenza, and/or other diseases (under Program Area 3.1); radio soap operas intended to mitigate tensions among diverse groups after a conflict (under Program Area 1.6) or provide basic information on the rule of law (under Program Area 2.1); and media campaigns to promote gender equity, reduce domestic violence, or combat human trafficking. This Key Issue captures activities focused on media as a means, whereas Program Element 2.4.2 captures activities primarily aimed at strengthening the media as an end.*

In November and December 2010 the Project began to plan, design and implement a program for professional development and roundtable discussions for journalists and columnists. The program will focus on transparency and integrity issues as one of the components of the PTI strategies to empower media



outlets to analyze current events in view of efforts to fight corruption and promote transparency in the country.

In December the Project assisted in organizing the first of its events designed for journalists and columnists which included a keynote presentation on “Groups in Power, Transparency and Political Party Financing.” The keynote speaker was Senator Rafael Michelini from Uruguay who described recent legislation on transparency and political party financing that strengthened the party system and promoted transparency in the use of campaign funds. The conference very effectively launched the journalists and columnists professional development and roundtable program.

### **Civil Society and Community Mobilization**

*This Key Issue cuts across all Functional Objectives and relates to activities aimed at strengthening the capacity of civic groups, community based organizations, professional associations, grassroots organizations, and other non - governmental advocacy groups to contribute to an active civil society, articulate and represent their members’ interests and those of the public at large. Activities aim to strengthen citizen participation in public life; provide civic education; enable citizens and civil society to serve as reform advocates, monitor government processes, provide services, and function as anticorruption watchdogs; and increase government accountability to its constituents.*

Up to this quarter, PTI has issued a total of eight sub-grants to Guatemalan civil society organizations for a total of US\$537,607.76. The grants are primarily designed to empower Guatemalan citizens as agents of positive change in their communities and to increase citizen awareness regarding the efforts that need to be made in the fight against corruption and to increase transparency. All of the grantees are also USAID strategic partners and include: Accion Ciudadana (AC), Fundacion DESC, the ProJustice Movement (Movimiento Pro Justicia -MPJ), the Center for Guatemala Studies (Centro de Estudios de Guatemala -CEG) and Vital Voices (VV).

Project activities this quarter have led to a number of significant results worth special mention, as follows:

- Accion Ciudadana trained 128 individuals in areas specific to public access to information which led to a total of 70 information requests being filed at government institutions. The information obtained through these requests has been key to the success of several processes of social auditing.
- On December 21, 2010 Accion Ciudadana provided a public presentation of its Executive Branch Access to Public Information Index for 2010. The Executive Branch scored 0.6 on a scale of 0 - 1.
- Accion Ciudadana coordinated among several civil society organizations to develop and present the third Independent Report on Implementation of the Inter-American Convention against Corruption (ICAC). The CSOs that worked jointly to prepare the report include: the National Integrity Network (Red Nacional de Integridad -RNI); Guatemala Association of Budget Investigation (Asociacion Guatemalteca de Investigadores del Presupuesto -AGIP); the Myrna Mack Foundation (FMM); the Mutual Support Group (Grupo de Apoyo Mutuo -GAM); the Department of Sociopolitical Forecasting of Rafael Landivar University and Accion Ciudadana as coordinator.

- The ProJustice Movement (MPJ) managed to spearhead an extraordinary and robust effort among its member organizations (i.e., Madres Angustiadas, FADS –Friends and Family against Crime and Kidnapping, Myrna Mack Foundation) to monitor the second effort to select candidates for the position of Attorney General and head of the Public Ministry. The process began on August 4, 2010 and concluded several months later on December 3 with the appointment of Dr. Claudia Paz y Paz. The ProJustice Movement played a critical role in improving the performance of the Nomination Committee specifically in regard to developing technical and objective criteria and processes for evaluation of the candidates.
- MPJ was instrumental in ensuring transparency throughout the process to nominate and elect the candidate for Comptroller General. The process began on September 9, 2010 and concluded on December 6 when the National Congress appointed Nora Segura Monzon as the first woman to direct the Office of the Comptroller General.
- MPJ was also involved in raising awareness and fostering citizen participation in the processes leading up to the appointments of both the Comptroller General and the Attorney General, as described above.
- The Center for Guatemala Studies (CEG) initially developed a grant program with cross-cutting themes in advocating for legislation, as follows:
  1. **Legislation to define the crime of illicit enrichment;**
  2. **Legislation to regulate non-government organizations (NGOs);**
  3. **Legislation on trust funds, and**
  4. **Legislation on the National Archives.**

## 8.4 LIST OF REPORTS SUBMITTED TO THE DEVELOPMENT EXPERIENCE CLEARINGHOUSE

Índice de Acceso a la Información Pública del Organismo Ejecutivo 2010 (Annex E)

# ANNEXES

# ANNEX A. QUARTERLY FINANCIAL REPORT FOR QUARTER ENDED 12/31/2010

Line Item	Contract Budget	Total Billings as of Sep-10	Billings for Oct-10	Billings for Nov-10	Billings for Dec-10	Billings Qtr. Ending 12/31/10	Amount Remaining	Projected Costs Quarter Ending 03/31/2011
Labor								
ARD Short Term USN & Home Office Backstopping	\$ 131,333	\$ 98,158.88	\$ 1,157.00	\$ 1,498.75	\$ 8,624.88	\$ 11,280.63	\$ 21,893.49	\$ 11,570.00
Short Term US Consultants	\$ 75,907	\$ 27,400.00	\$ -	\$ 27,400.00	\$ -	\$ 27,400.00	\$ 21,107.00	\$ 7,170.00
Short Term (TCN-CNN) Consultants	\$ 228,327	\$ 6,480.00	\$ 1,260.00	\$ 5,798.66	\$ 24,142.37	\$ 31,201.03	\$ 190,645.97	\$ -
Long Term (TCN-CNN) Professional Staff (include COP)	\$ 872,777	\$ 438,923.57	\$ 34,486.97	\$ 33,060.62	\$ 34,339.33	\$ 101,886.92	\$ 331,966.45	\$ 105,000.00
Long Term (TCN-CCN) Support Staff	\$ 183,572	\$ 94,454.74	\$ 8,112.80	\$ 8,530.24	\$ 7,853.88	\$ 24,496.92	\$ 64,620.20	\$ 20,800.00
<b>Total Labor</b>	<b>\$ 1,491,916</b>	<b>\$ 665,417.19</b>	<b>\$ 45,016.77</b>	<b>\$ 76,288.27</b>	<b>\$ 74,960.46</b>	<b>\$ 196,265.50</b>	\$ 630,233.11	<b>\$ 144,540.00</b>
Travel, Transportation & Per Diem	\$ 111,152	\$ 28,209.43	\$ -	\$ -	\$ 909.97	\$ 909.97	\$ 82,032.80	\$ 1,500.00
Allowances	\$ 83,276	\$ 41,913.21	\$ 25,713.42	\$ 1,337.45	\$ 1,039.97	\$ 28,090.84	\$ 13,271.79	\$ 4,000.00
Equipment	\$ 63,056	\$ 59,072.93	\$ 362.40	\$ -	\$ -	\$ 362.40	\$ 3,620.38	\$ 1,500.00
Other Direct Costs	\$ 455,514	\$ 188,564.21	\$ 11,698.08	\$ 4,367.72	\$ 18,929.30	\$ 34,995.10	\$ 231,954.96	\$ 45,000.00
Activity Costs	\$ 179,310	\$ 56,447.20	\$ 4,277.16	\$ 10,893.67	\$ 27,530.70	\$ 42,701.53	\$ 122,862.80	\$ 25,000.00
Grants	\$ 754,898	\$ 215,179.70	\$ 24,923.20	\$ 19,049.24	\$ 25,230.44	\$ 69,202.88	\$ 470,514.92	\$ 123,000.00
Subcontracts	\$ 588,450	\$ 13,190.62	\$ -	\$ 7,591.22	\$ 12,130.35	\$ 19,721.57	\$ 555,537.81	\$ 75,000.00
Indirect Costs	\$ 130,336	\$ 45,790.32	\$ 6,263.66	\$ 2,579.70	\$ 7,375.36	\$ 16,218.72	\$ 68,327.03	\$ 13,271.60
Rapid Response Fund	\$ 230,772	\$ 10,862.46	\$ 1,013.30	\$ -	\$ 1,027.30	\$ 2,040.61	\$ 219,909.54	\$ 40,000.00
<b>Total Cost</b>	<b>\$ 4,088,679</b>	<b>\$ 1,324,647.27</b>	<b>\$ 119,267.99</b>	<b>\$ 122,107.27</b>	<b>\$ 169,133.85</b>	<b>\$ 410,509.12</b>	<b>\$ 2,353,523.00</b>	<b>\$ 472,811.60</b>

ANNEX B. MAGAZINE BY  
ACCION CIUDADANA  
“INFORMA ACCIÓN”, SECOND  
AND THIRD EDITIONS



# ANNEX C. FONAPAZ INSTITUTIONAL STRENGTHENING PLAN

# ANNEX D. FONAPAZ FINAL EVALUATION



# ANNEX E. ACCESS TO INFORMATION INDEX FOR THE EXECUTIVE BRANCH 2010

ANNEX F. PRESENTATION:  
“ACCOUNTABILITY AND  
DOCUMENT MANAGEMENT”  
BY CARLOS ALBERTO ZAPATA

ANNEX G. PRESENTATION:  
“PROPOSAL TO CREATE  
TRANSPARENCY ENTITY” BY  
DR. SILVIO GRAMAJO AND LIC.  
MARIA ALEJANDRA LÓPEZ

ANNEX H. PRESENTATION:  
“THE LAW 20.285 AND THE  
COUNCIL FOR THE  
TRANSPARENCY OF CHILE” BY  
DR. NOMBRE URRUTIA

ANNEX I. PRESENTATION:  
“TRANSPARENCY AND  
ACCOUNTABILITY: THE TWO  
FACES OF PUBLIC  
MANAGEMENT” BY MS  
NOMBRE AZUARA

ANNEX J. PRESENTATION  
“TRANSPARENCY AND  
ACCOUNTABILITY: THE TWO  
FACES OF PUBLIC  
MANAGEMENT”PRESENTED  
BY THE COMMISSION OF  
TRANSPARENCY AND  
AGAINST CORRUPTION OF  
THE VICE PRESIDENCY

# ANNEX K.BILL NO. 4307 LAW OF NATIONAL ARCHIVES

# ANNEX L. ASSESSMENT OF THE VICE PRESIDENCY'S ARCHIVE SITUATION



ANNEX M. FINAL REPORT OF  
THE IMPLEMENTATION OF  
THE GUATEMALA  
DECLARATION FOR A  
CORRUPTION-FREE REGION

# ANNEX N. TRAINING PLAN FOR THE DISTRICT ATTORNEY'S OFFICE OF ADMINISTRATIVE CRIMES

# ANNEX O: APPROVAL LETTER FOR TRAINING PLAN FOR THE DISTRICT ATTORNEY'S OFFICE OF ADMINISTRATIVE CRIMES

ANNEX P: AIDE DE MEMOIR,  
TRANSPARENCY DONORS  
TABLE MEETING (OCTOBER  
21. 2010)

**U.S. Agency for International Development**

Guatemala

Km 6.5 Final Boulevard Los Proceres

Santa Catarina Pinula

Guatemala, C.A.

Tel: (+502) 2422-4000; Fax: (+502) 2422-4585

<http://www.usaid.gov/gt>